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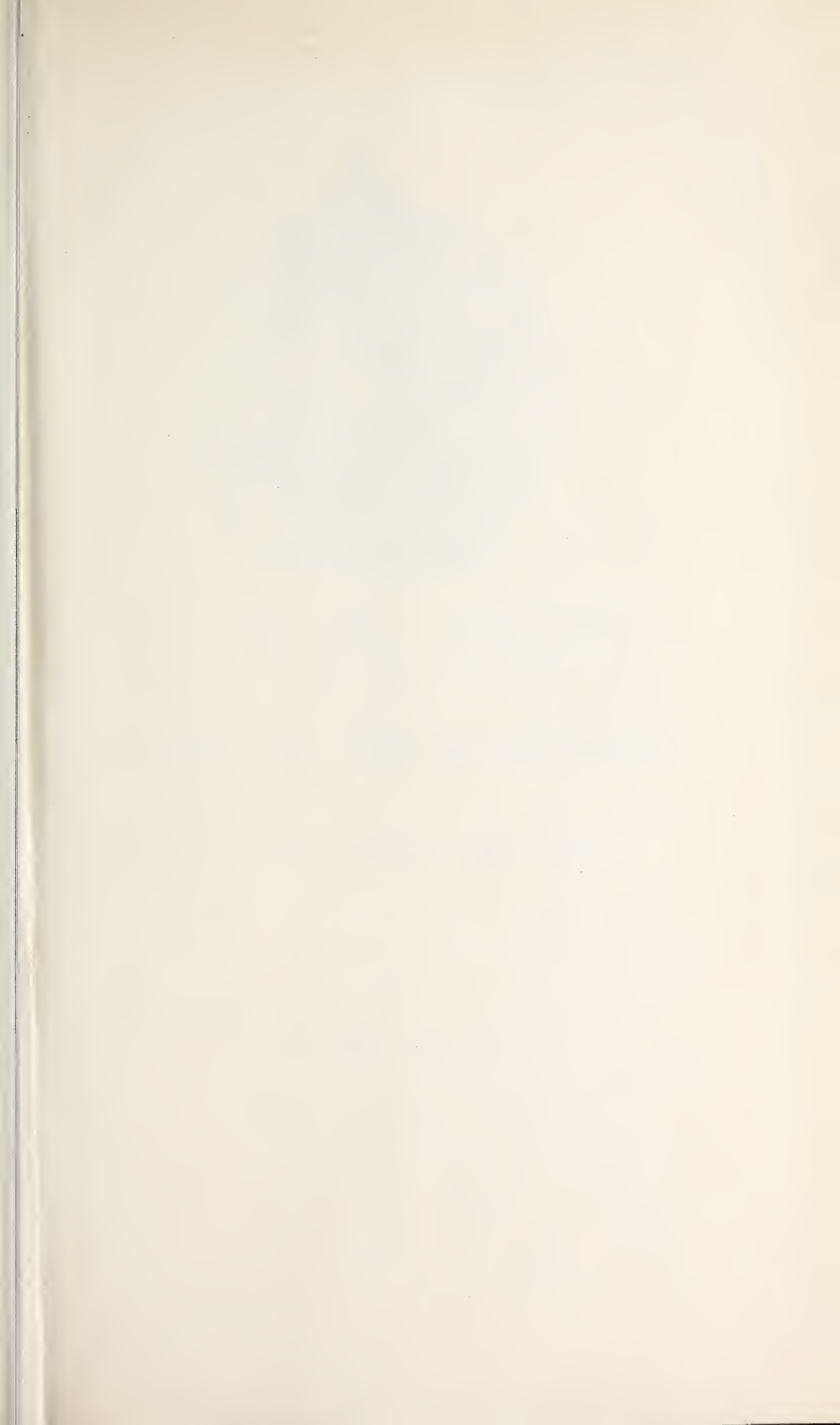
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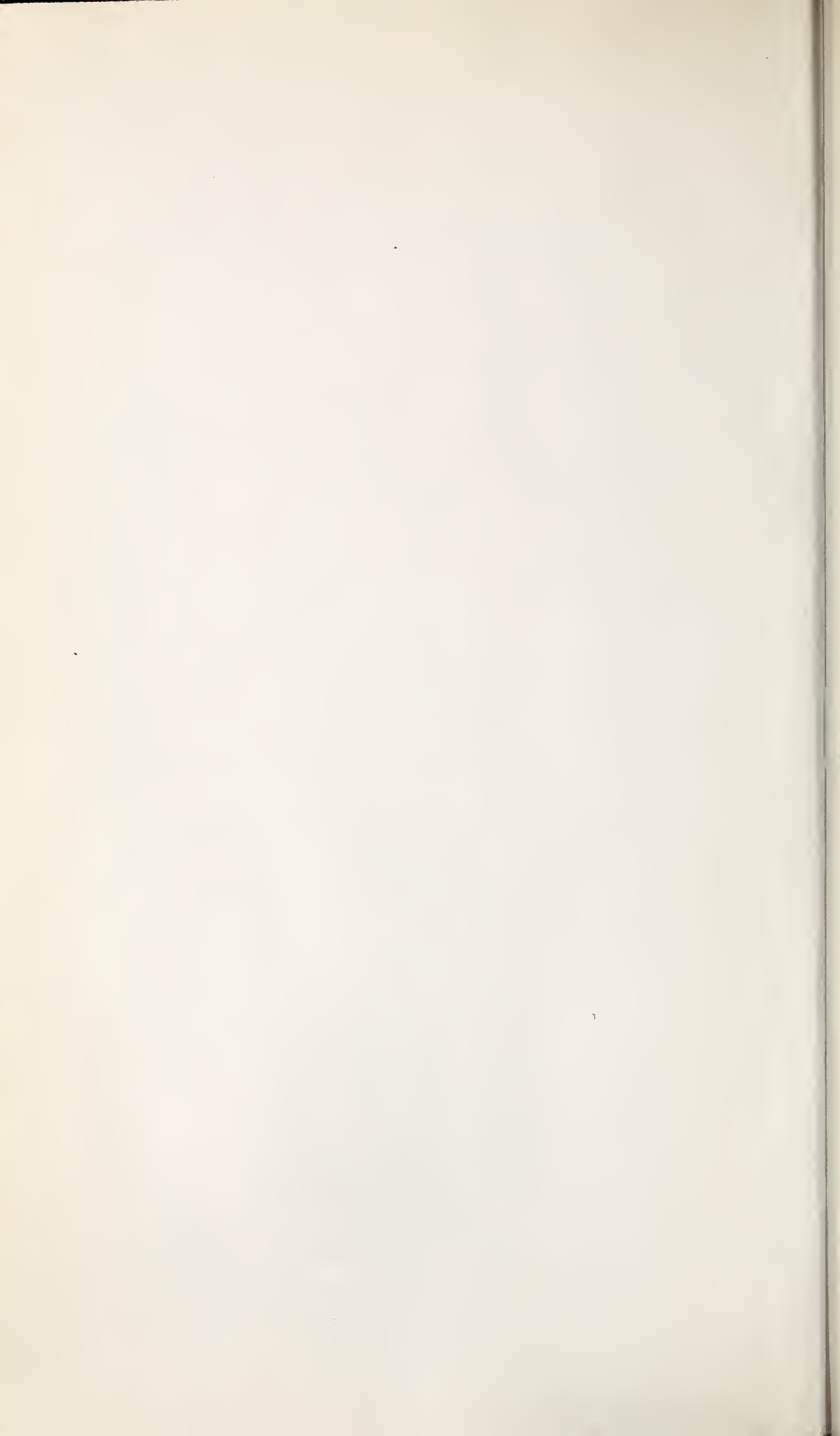
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THE RECORD SOCIETY

FOR THE

Publication of Original Documents

RELATING TO

LANCASHIRE AND CHESHIRE.

VOLUME XXXII.

1896.

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Pleadings and Depositions

IN THE

Duchy Court of Lancaster

TIME OF

HENRY VII. AND HENRY VIII.

EDITED BY

LIEUT.-COLONEL HENRY FISHWICK, F.S.A.

PRINTED FOR

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INTRODUCTION.

Genealogical - 20-00 (21010)

HENRY IV. in the first year of his reign [A.D. 1399] by charter declared the lands and possessions of the Duchy to be a distinct and separate inheritance from the lands and possessions of the Crown, and for the management of all matters connected therewith special provisions were made, one of which was the establishment of the Chancellor and Council of the Duchy.¹ This court had an equity jurisdiction over all the tenants of the Duchy which included within its boundaries many lands and possessions not situate in the County Palatine. The earliest records of the proceedings in this court which have been preserved commence in the first year of the reign of Henry VII. [1485], from which date they are continued to the present day. These records consist of Pleadings by way of bills and answers, depositions and surveys, and interrogatories relating to the various suits brought before the court. A list of these will be found in "Ducatus Lancastriæ Calendarium Inquisitionum Post Mortem," &c., 3 vols., 1823-34. In another class of documents known as the "Duchy of Lancaster, Decrees and Orders," are found the decisions or verdicts

¹ Dep. Keeper of Public Records Report, xxx., vi.

relating to the Pleadings—these are however very imperfect and only a comparative few have been preserved, but where they have been found I have added them to the Pleadings. The whole of these records in 1868 were transferred from the Duchy office to the Public Record office. The Pleadings, etc., are written on parchment, and those from Henry VII. to Elizabeth (inclusive) are bound in volumes; those from James I. to the present time are in bundles and are referred to by an old MS. calendar. The depositions and surveys are in volumes only from Henry VIII. to Philip and Mary, and are referred to by the calendar in vol. ii. of *Ducatus Lancastriæ*; from Elizabeth to present time they are in bundles to which there is an old MS. calendar, but a new one is in preparation for the reign of Elizabeth. All these records are in English, the custom of recording all legal transactions in Latin having fallen into disuse in the Chancery and other courts in the time of Henry VI. The mode of conducting the suits brought before the Duchy courts varied according to circumstances, in some instances a *vivâ voce* examination appears to have been sufficient whilst in others carefully drawn up depositions were placed on record. The reasons given for the appeal to the Chancellor for justice were often of an ingenious character. A few examples will illustrate this: William Plumtrie (in 1525-26) having had a jury summoned at

Lancaster, found they were so "ner of kyndred" to the defendant that he challenged them all, and he therefore pleads that he "can have no indifferent trial" in Lancashire: the Mayor of Liverpool in 1526-27 says that the defendants were "of gret power, alyance, and frendeshippe" in the county, whilst he was not "of abilyte" to maintain his trial, he therefore asks that they may be commanded to appear at Westminster, to answer to the premises, which they were ordered to do. In another case the plaintiff could not get an indictment at Lancaster, because of "suche nere kyn and cosynage as" was between the defendant and the Sheriff.

Sometimes instead of the accused person being ordered to go to Westminster, a number of local gentlemen were instructed to take the depositions of the parties concerned or to call upon them to answer certain interrogatories bearing on the case. Occasionally the defendant was called upon to find security for the attendance at Westminster, or in default to be kept in prison pending the enquiry. In other cases a precept was directed to the Sheriff to impanel a jury of 24 persons, who were to enquire into the matter in dispute.

The subjects brought before the Chancellor of the Duchy were of a very varied and miscellaneous character, comprising, as illustrated by the suits in the present volume—disputes and charges as to lands, houses, boundaries, tithe crops, the

liberties of towns, false imprisonment, trespass, assault, robbery, murder, rape and abduction, ferry and bridge tolls, customs of courts and fairs, rights to abbey and chantry and free school lands, dilapidations of churches, disturbance of service in church, deer killing, claims for getting coals, contempt of court, executions for debt, election of Mayor, escape of felons, endowment of hospitals, &c. Not only is the immediate subject matter of these suits of great interest to the antiquary and historian, but the various depositions and pleadings often supply details of the daily life of the people and bring out bits of local history of the greatest value. Thus information as to Dean Chapel [see p. 3], Low Chapel [p. 153], is here given which is not to be found elsewhere. There will also be found here and there archaic and dialectic words then in common use, but now almost obsolete: Maunday Thursday is mentioned as *Sherthursday* [Shere Thursday], Rogation week as *gang week*, pedlers are termed *badgers*, a large pail is called a *collock*, and a hiding place is described as a *hidel*.

Another feature in these records of the Duchy court is the valuable antiquarian and genealogical information often given by them, the nature of which is not in the least foreshadowed by the general character of the suit as entered on the printed calendar; thus in a dispute as to Title to Lands at North Meols in 1503-4 [see p. 23], we

find a clear account of certain lands called Argarmelys having been "drowned and adnichilate" with the sea, and cut off "oute of the body" of the county: in another similar suit we get a pedigree of four generations of the Ainsworth family; and out of a claim for use of coal [p. 129] we have presented to us a history of the early development of the Burnley coal fields.

The Pleadings in this volume are selected from the Calendars and extend from 1 Henry VII. to 23 Henry VIII. Pleadings in remaining years of Henry VIII. will form part of another volume, and with them will be included a few which, though it is certain that they belong to that period are described in the calendar as of N.D. [No Date], to some of these I have been able to fix the year to which they belong. In making the selection I have endeavoured to avoid printing such Pleadings as have already been used by local historians, and I have been somewhat influenced by a desire to make the extracts cover as large an area of Lancashire as possible, without detracting from the interest of the volume. The extracts from the original MSS. have been carefully made and will, I venture to think, be found to contain all that is of value in the often somewhat wordy documents.

Since the *Ducatus Lancastriæ* was published the Pleadings from 1 Henry VIII. have been rearranged at the Record office, so that the reference

numbers in that calendar are no longer correct. In this volume the Record Office reference number is given first, the old reference number (as in the *Ducatus Lancastriæ*) following in brackets. For the dates in brackets [] I am responsible.

The index of names and places has been compiled by my daughter, Miss Jane Fishwick.

HENRY FISHWICK.

THE HEIGHTS,
ROCHDALE.

Errata.

ANDERSON, page 84, *read* ANDERTON.

[Rylannds], page 110, *read* [Rylands].

Pleadings and Depositions
in the
Lancaster Duchy Court.

TIME OF HENRY VII.

MAYOR AND BAILIFFS OF LANCASTER *versus*.....*re* LANDS
IN ST. LEONARD'S GATE.

“TO alle people in criste to whome this our present writinge shall come se or here” John Walker then Mayor of the town of Lancaster, Thomas Kendall and Richard Raulynson then bailiffs of the same town, William Banaster, Richard Gardyner, John Hoberstye, Thomas Edmondson, Richard Neleson, Richard Ranson, Robert Qwhite, Thomas Eskeryge, John Cartemell, John Banastre and Thomlyn Bakehouse “twelfe” of the same town, James Kellet, Richard Kendall, William Burton, Giles Drinkill, Gilbert Qwhite, John Tasker, Henry Chateborne, Thomas Garthe, Robart Banastre, Gyles Diconson, Richard Gryme, Robart Leye, the elder, Jenkyn Lokkay, Richard Kilner, Thomas Clerke, Richard Bury, Xporfer Briggess, William Pacok and Edmond Thorneton, Burgesses of the said town “senden gretinge in our Lorde god everlastinge.”

Vol. ii.¹
L 12.
4 Hen. VII.
[1489.]

¹ These references are to the original MSS. in the Record Office.

"Forasmuch as there was within the precincts of this our town an inhabitant whose name was Margaret Docket who in her widowhood claimed to have by inheritance and descent a messuage or burgage lying beside the Spetilbroke at the end of St. Lenard gate in Lancaster," that sometime was John son of Peres Porter of Lancaster, and another burgage and the 3rd part of a burgage lying together sometime of the lands of John Wedholmes and Alice his wife lying between the said burgage of John son of Peres Porter upon the one part and the barn with the garden "sometime of Bonyfaunt lande and now Sir Edward Stanley Knight" on the other part; the one head of the said premises extends in length and breadth to the King's street of St. Leonard gate into the east part, and the other head extends from the said high street descending to the Grenehaire into the west part, and so following the water dyke from the barn and garden of the said Sir Edward Stanley to the Spetilbroke aforesaid," "as the Course of water frothens fallith into the same dike of the grenehaire:" all which parcels we the said "Maire Bailliffes twelfe and Burges aforesaid" claim to have by "Seasy" in the days of our predecessors and of right to us belong by such evidence and record as we found touching the same, and we and the said Margaret by deed under our common seal have granted the same to Christopher Lemyng of Lancaster and his heirs for ever, he paying to us for the same 2d. by the year.

And furthermore we "testifie opplisshe and declare for truthe" that the right title possession and interest of the said premises "allonly and severally" belongs to the said Christopher Leymyng and his heirs for ever: wherefore we desire all our successors to aid the said Christopher in his occupation thereof, so that he may enjoy the same "querell or perturbacion" of any burgess of the said town.

"Gevyn" at Lancaster the Thursday next after the feast of "Pasche" in the 4th year of the reign of our sovereign Lord King "Henry" VII. [1489.]

THOMAS GERRERD *versus* SIR THOMAS GERRERD, KNIGHT,
 THOMAS BOKELEY, JAMES LAWE AND OTHERS *re* TITLE
 TO MOSS LANDS AT INCE, BRYN, WIGAN, &c.

*To the right hon. Sir Henry Marney, Knight, Chancellor of the
 Duchy of Lancaster.*

"MOST petuously complaying shewith" Thomas Gerrerd of Ince Esq. that where he is seised in his demesne as of fee of the manor of Ince in the county of Lancaster, which adjoins the lordship of Bryn, the inheritance of Sir Thomas Gerrerd, Knight, who of his cruelty and rigour daily troubles plaintiff as by the articles hereafter ensuying more plainly appears, so that plaintiff is likely to be utterly undone except it be by the gracious and charitable help of the King's highness, wherefore plaintiff humbly prays that the said Sir Thomas may be compelled to answer the said articles.

Vol. xi.
 G. 3.
 6 Hen. VII.
 [1490-1.]

First the said Sir Thomas caused 58 of his servants and tenants the Monday next before the feast of St. Martin last past, to come to the said manor of Ince and there with spades and shovels to cast up a ditch in the freehold and several grounds of plaintiff called Ince Mosse otherwise Turnesshe Mosse, and by force expelled plaintiff from his old inheritance whereof he and his ancestors have been lawfully seised "time without mynd." Afterwards plaintiff at the Sessions held at Lancaster came before the Justices and made complaint whereupon several of the said riotous persons were indicted for riot, and plaintiff purchased a writ of restitution and was restored to his old possession.

After this Sir Thomas Bokeley of Asheton, chaplain to the said Sir Thomas Gerrerd, James Lawe of the same, yeoman, Humphrey Lawe of the same, yeoman, Thomas Stanley, gentleman, Thomas Hyton, yeoman, William Williamson, yeoman, Lawrens Pendilbury, yeoman, William Leche, yeoman, John Lawe, yeoman, and John Williamson, yeoman, all of the same town, not fearing the King's laws, in most riotous manner came to the said Moss the 8th March last [1491] being the morrow next after the

said restitution, and again diked up the said ditch; they also came to the said manor of Ince, broke plaintiff's closes and drove away 17 kine (several of which were milch kine) and oxen with 1 horse, and unlawfully "pynned" them at the manor place of the said Sir Thomas called the Bryn, and kept them there three weeks and more, to the great loss of plaintiff and his tenants. Plaintiff then obtained the King's letters missive directed to the Justices at Lancaster who after due examination of all the circumstances commanded the said Sir Thomas Gerrerd to give up the said beasts and to cease making such unlawful distrains.

On the 5th April, 6 Henry VII. [1491] being Sherthursday¹ the said Sir Thomas with many riotous persons came to the said manor of Ince, bringing with them great mastive dogs "Grew-hondes," and hounds which they set upon the beasts of plaintiff's tenants, "therwith shoutyng and hornes blowing," and the said dogs "bott the tayles and eres" of some of the said beasts and drove others into the mire and ditches whereby they were in great danger of being destroyed and lost.

On the 11th April next following [1491] the said Sir Thomas sent word to plaintiff that if he dare presume to come to his Parish Church of Wigan upon the "other day" that he would scour the streets of plaintiff and his company, and upon the said "other day" which was the 12th day of April, being Thursday in Easter week the said Sir Thomas came to Wigan for that purpose, having with him more than 100 riotous people, and when he "see" that plaintiff was not there he declared openly in the said town that if plaintiff dare come there on the Sunday following being the 15th April that he would put him in jeopardy of his life, but plaintiff having heard of his evil intentions, and "in eschewyng murdre or betyng" of him or his servants has ever since absented himself from his said Parish Church on Sundays and holy days.

On the 26th April following [1491] the said Sir Thomas came with his servants, tenants and dogs and chased plaintiff's horses and mares in Ince and caused them to lye in the mire and moss,

¹ Maundy Thursday was sometimes called Shere Thursday.

and afterwards the said Sir Thomas Dulkeld, chaplain, warned one of plaintiff's tenants to go and draw out the said horses or else they would be drowned.

On the 14th May last the said Sir Thomas with servants and dogs came to Ince and chased plaintiff's beasts and "bote and hurt them sore," so that some of them have perished and the "resudewe ar not by likelyhode to recover."

And again, on the 20th August, 7 Henry VII. [1492] the servants of the said Sir Thomas broke plaintiff's closes, drove away his beasts and beat them.

The answer of Sir Thomas Gerard, Knight, defendant says that the said place called Ince Mosse otherwise Turnyschea Mosse is a moor in the lordship of Ince and is called Turnyschea Mosse and *not* Ince Mosse, and at the time of the said supposed trespass was the freehold and the whole inheritance of the said defendant, who for his own "well and proffettes" and in order that the said ground might be drier caused the priest who served the chapel of Assheton¹ on the Sunday next before the said Monday to show openly in the said chapel that he (defendant) intended to make a "strythe" ditch through the said Turnyschea moss, so that he might have his "turve romes the mor drier" in those parts. And the said priest further showed to the congregation that if any of them would help to make the said ditch they would be "well cum" to defendant, whereupon about 40 or 50 or more of defendant's tenants, neighbours and servants, of their "gentylnes" came thither with spades and shovels and cast up a ditch, and defendant gave them meat and drink and thanked them "of their kynnes," whereupon they departed, without that that defendant expelled plaintiff.

G. 3. a.

G. 3. b.

Defendant says that divers persons were indicted by those who did not know the truth of the matter and by those who bare defendant "no good wyll nor favor."

G. 3. c.

¹ This is probably the earliest mention of the chapel of Ashton-in-Makerfield. Baines simply says it existed in 1577.

Defendant commanded John Alowe and William Janson to cast up the ditch which plaintiff had filled up again in the said moss.

G. 3. d. Defendant justifies the taking of the said kine oxen and horse because they were on his freehold, "damag fessant," so he took, impounded and kept them, because plaintiff would not replevy them nor find sureties to make reasonable amends to him for the said trespass.

G. 3. e. At the time of the riot supposed in the 6th article defendant was steward of the town of Wigan which is within 2 miles of his dwelling place, and often resorted there, and the Mayor and Burgesses always "hewed" to meet the said steward and accompany him into the town, and this they have done to defendant. When he went to the said town divers of the inhabitants resorted to him to redress their wrongs, &c., without that that he prevented plaintiff from coming to the said Church.

Defendant commanded his servants to drive plaintiff's beasts from the said Turnyschea moss, which they did with their dogs, as husbandmen were wont to do, and the said Sir Thomas Bokeley, chaplain, knowing the danger of chasing beasts in the said place being a "Marrys" of his good disposition and kindness warned plaintiff to look after his said beasts and to see that they came to no harm there.

G. 3. g. Defendant justifies the said trespass.

G. 3. h. i. j. k. Interrogatories on behalf of Thomas Gerrard of Ynse.

G. 3. l. The replication of Thomas Gerrard. Plaintiff says that all the inhabitants of the towns of Ince, Assheton, Abraham and Goldeburne, by his sufferance, yearly get their turves in such places of the said moss as Henry Plat plaintiff's bailiff assigns, and they pay their rents yearly to plaintiff for their "Rowmys" there, and have done so to plaintiff and his ancestors time out of mind as by the rentals and yearly payments thereof appears.

The said ditch contains over 40 roods in length and was made by defendant to the extent to enclose the said moss which

is the freehold and inheritance of plaintiff as parcel of his manor of Ince, whereof William Gerrard his great-grandfather, Thomas his grandfather, and William his father¹ and many others of his ancestors were time out of mind peaceably seised in their demesne as of fee without any disturbance of defendant or his ancestors. After the decease of his said ancestors plaintiff as son and heir of the said William his father *and cousin and heir of the said Thomas and William* [*sic*] has quietly enjoyed the same as his freehold and inheritance for 11 years and more without any interruption until now of late that the said defendant dug the said ditch.

Plaintiff says that 7 of the said beasts were taken upon the said moss and the others on other several closes of plaintiff's called the Newmedoes, which were his freehold and parcel of the said manor of Ince.

THE KING TO EARL OF DERBY, STEWARD OF COUNTY PALATINE,
SIR GEORGE STANLEY, KNIGHT, AND OTHERS *re* COMMISSION
TO INQUIRE OF CONCEDED LANDS AT HEEPAY, YNGALL
[INGOL] COTTON, BUTTERWORTH, &c.

HENRY, by the Grace of God, King of England, &c. to Our beloved kinsman Thomas Earl of Derby, steward of Our County Palatine of Lancaster, to George Stanley, Knight, Edward Stanley, Knight, Andrew Dymmok, Our Solicitor, John Cutte, Receiver General of Our Duchy of Lancaster, James Molyneux, Clerk, John Hawardyn, Attorney of Our said County Palatine, John Luthyngton, Auditor, William Thorneburgh, Escheator, and Henry Sale, greeting. We command you to enquire into all manner of lordships, manors, lands, tenements, and advowsons of Churches which ought to belong to Us by reason of Our said County Palatine but which have been concealed from Us, by whom, for what time, who has taken the profits thereof in the meantime, how much they are worth per annum. Also of all

Vol. v.
R. 7.
11 Hen. VII.
[1495-6.]

¹ This descent does not agree with the Pedigree as recorded at the Heralds' visitation.

wards, marriages, reliefs, escheats, and other goods and chattels of outlaws, felons and fugitives; also of forfeits and concealments, by whom and when made; all lands and tenements in the said county given in mortmain; all the lands and tenements purchased by King Edward IV. or King Richard III., which were then enfeoffed to their use; all the lands of lunatics, natural or having lucid intervals, and of the true yearly value thereof; and to survey and approve all the lordships, manors, &c. doing all those things which belong to Our use and profit.

We therefore command you to make diligent enquiry into the premises and to send the results to Westminster in the Octaves of the Purification of the Blessed Virgin Mary next coming.

Witness Ourselves at Lancaster 20th June, in the 11th year of Our reign [1496].

Inquisition taken at Weryngton, in County of Lancaster, 20th October, 12 Henry VII. [1496] before the said Commissioners by the oath of William Torbok, Esq., Henry Byron, Esq., Hugh Breche, Esq., Ranulph Sanky, Ranulph Ryxton, Hamond Penketh, Thomas Asshton, John Penketh, William Brown, Henry Erlescollys, Henry Penketh, Henry Garnet, William Ratclyf and Cuthbert Clyfton, Esquires, who say that Christopher Standishe, Knight, died seised of the moiety of the manor of Heepay, in county of Lancaster, and 8 messuages, 200 acres of land, 100 acres of pasture, 20 acres of meadow, 4 acres of wood, and 300 acres of moor and turbary in Heepay, and held the same of the King as of his Duchy of Lancaster by knight's service, to wit, by the sixth part of a knight's fee; which said premises are worth per annum, clear, 100s. The said Christopher died 12th September, 11 Henry VII. [1495]; Thomas Standysshe is his son and next heir and is now aged 15 years.

William Heydok died seised of 4 messuages, 100 acres of land and meadow, 60 acres of pasture, 40 acres of moor and turbary in Yngall and Cotom in county of Lancaster, which he held of the King as of his said Duchy, by the seventh part of a knight's

fee; and which are worth per annum, clear, 10 marks. The said William died 10th November, 10 Henry VII. [1494]; Gilbert Heydok is his son and next heir, and is now aged 17 years.

John Lampelough, Esq. died seised of the third part of the manor of Pulton, in Lounsedale, in county of Lancaster, and of the 3rd part of 10 messuages, 100 acres of land, 40 acres of pasture, 20 acres of meadow, and 200 acres of moor and turbary in Pulton, also of the 3rd part of 3 messuages, 100 acres of land, 20 acres of meadow, and 40 acres of pasture in Whittington in Lounsedale, which he held of the King by knight's service, and which are worth per annum, clear, £10. John Lampelough died 14th June, 1 Henry VII. [1486]; John Lampelough is his son and next heir and is now aged 18 years and not more. Elianor Lampelough, widow, took the issues and profits of the said premises, from the time of the death of the said John Lampelough, the father.

Henry Boterworth died seised of 4 messuages, 60 acres of land, and 40 acres of meadow and pasture in Boterworth and Honnersfeld, in county of Lancaster, which he held of the King as of his said Duchy by knight's service and by the yearly rent of 15d., and which are worth per annum, clear, 26s. 8d. Henry Boterworth died 24th December, 11 Henry VII. [1495]; Ralph Boterworth is his son and next heir and is now aged 5 years.

James Hallsall¹ late of Walshe whitill [Welsh Whittle] in county of Lancaster, gentleman, is outlawed for felony and murder: he was seised of 6 messuages, 100 acres of land, 40 acres of pasture, 10 acres of meadow, and 4 acres of wood in Walshe whitill, which are worth per annum, clear, 100s.

Gilbert Sale late of Bedford, in county of Lancaster, gentleman, is outlawed for felony: he was seised of 4 messuages, 100 acres of land and meadow, 40 acres of pasture, 3 acres of wood, and 10 acres of moor in Bedford, which he held of Thomas Boteler, Knight, as of his manor of Weryngton, and which are worth per annum, clear, 5 marks.

¹ Probably the second son of Sir Henry Halsall, of Halsall.

Gilbert Barton late of Barton, in Amounderness, in county of Lancaster, Esq., is outlawed for trespass: he was seised in his demesne as of fee of 12 messuages, 200 acres of land and meadow, 60 acres of pasture, 20 acres of wood, and 40 acres of moor and turbary in Barton and Baggerburgh, which are held of the King as of his Duchy of Lancaster, and are worth per annum, clear, 40 marks.

R. 7. b.

Whereas by inquisition taken at Weryngton on Saturday before the feast of St. Michael the Archangel, 12 Henry VII. [1497] it was found that Henry Boterworth was seised of 4 messuages, 60 acres of land, 40 acres of meadow and pasture in Boterworth and Homerfeld, and that Ralph Boterworth was his heir: Now one Nicholas Biron by Edmund Mills his attorney comes here and complains that he has been expelled from the possession of the custody of the said Ralph, of one of the said messuages and of other the premises, and that unjustly because he says that the said Henry held the said premises of him the said Nicholas by homage, fealty, and scutage of the King, and by the yearly rent of 2s. 4d. The said Nicholas held the said premises moreover of the King as of his Duchy of Lancaster by fealty and the yearly rent of 15d. The said Henry died in the homage of the said Nicholas who after his death took the said Ralph and entered into the said premises and was thereof seised until he was removed by colour of the said inquisition. Prays to be restored to the same.

THE MAYOR AND BURGESSES OF LANCASTER: PETITION FOR
CONFIRMATION OF LIBERTIES BY AN INQUISITION.

*"To the Right Honorable and discrete Sir Regnold Bray, Knight,
Chaunciler of the Duchie of Lancaster and others the
King's Counseill of the same."*

Vol. iv.
L. 5.
12 Hen. VII.
[1496-7.]

THE Mayor, Bailiffs and Burgesses of the town of Lancaster, parcel of the Duchy of Lancaster, that where divers of the Kings of England have granted certain libertais and franchises to the said Burgesses and their successors for ever for 20 marks of annual fee farm to be paid by them for the same, howbeit some of

the said charters with other muniments being in a chest with other stuff in an oratory within the said town for safe keeping by "infortune of fire were brent as is well and notarily knowen in all the Countre nygh adioynnyng," and the residue of the said charters and grants were showed to your Mastership at Nottingham at the King's command in the 11th year of his reign, whereupon and upon the humble petition of the said burgesses it pleased his Majesty to ratify and confirm the said franchises and liberties "by his most honourable writing" under his signet and sign manual, because the said burgesses were of "nown power" to bear the charge of a confirmation under the seal of his county palatine: But now so it is it has pleased his Highness to cause a general Quo Waranto to be commenced at Lancaster not only against us, but against all others who claim any liberties or franchises within the said county palatine, by reason whereof we are put to such excessive charges in defence of the same that unless other remedy can be provided for us we shall be unable to continue the payment of our said fee farm and also for lack of our said charters that were burnt we cannot make sufficient plea. In consideration whereof and because we have no certain rents, lands or tenements upon which to levy the said fee farm, but only the said franchises and liberties, and also because we pay more annual fee farm than the said town bare when the franchises were in the King's hands by the sum of 46s. 8d. yearly, as we can show by sufficient writing exemplified: and "moreover how that where the revenues of the said town will not extend to bear the said annual fee farm of 20 marks because of the great ruin and decay the said town is in the said Burgesses pay" that that wantes of their owne goodes, it will please your good Mastership to be "so good maister and meane" for us to the King that it will please his Majesty to send his sufficient writing to his Justices at Lancaster, commanding them to allow us all such claims, franchises and liberties as may be proved by inquisition taken before them, that we and our predecessors have used for 100 years and more without interruption, and then we hope to be empowered to continue the payment of the said annual fee farm of 20 marks.

ELEANOR LAMPLEGH, WIDOW, *versus* SIR HENRY FENWICK,
KNIGHT, *re* COMMISSION AND DEPOSITIONS OF TITLE TO
LANDS IN PULTON [POULTON-LE-SANDS] AND
WHYTTYNGTON.

Vol. iv.
L. 6.
16 Hen. VII.
[1500-1.]

HENRY by the grace of God King of England, &c. to William Smith Escheator of Our County Palatine of Lancaster, John Chaloner and Robert Haryson, greeting. Where it is complained to Us on behalf of Dame Alianore Lamplegh, widow, late wife of Thomas Lamplegh deceased that certain persons were seised in certain lands and tenements in Pulton in the said county in their demense as of fee to the use of her said husband: and the said feoffees being so seised upon the marriage of the said Thomas and Alianore made an estate to them and their heirs of the said premises, by force whereof they were thereof seised in their demesne as of fee tail. After the death of the said Thomas the said Alianore peacefully enjoyed the same until an office was found by our late Escheator: Now We willing that justice be administered to all parties, desire you to cause the said widow to show her evidence, and also will you to make search and due examination of the "lyverey and season" made of the said lands, and to certify Our Chancellor of what you find in the quindene of Easter next coming, so that We may proceed further therein.

Given at Our manor of Woodstok 31st October, in the 16th year of Our reign [1500].

L. 6. a.

Examination before William Smyth, Esq., Escheator, Robert Harison, Vice-Chancellor of the said County Palatine and John Chaloner, Attorney of the same, taken at Lancaster, 24th March, 16 Henry VII. [1501]:

Katerin sometime wife of Richard Bereburn of Pulton in county of Lancaster, gentleman, aged 77 years and more, deposes that about 58 years ago she and her husband were living in Pulton, and that upon the marriage between Thomas Lamplegh Esq. and Alianore daughter of Sir Henry Fenwyk Knight, the said Sir Henry sent divers of his servants to Pulton to take

possession of the manor place in the name of the said manor and all other the lands and tenement which before that time belonged to John Lamplogh, father of the said Thomas, in Pulton and Whityngton in county of Lancaster, to the use of the said Thomas and Alianore as the jointure of the latter. More she cannot now remember as at that time she was young, only about 18 or 19 years old, and "litull then regarded that mater," but she recollects that at that time she and her husband were farmers of the said manor place and the demesnes of the same, and that they and the tenants in Pulton belonging to the said John Lamplogh paid the rent for many years to the said Sir Henry Fenwyk, who then had the "ruyle" of the said Thomas and Alianore, but afterwards they received the same to their own use, and "as the common voice was" as the jointure of the said Alianore. This deponent knows because she continually paid the said rent for the said manor place and land to the said Thomas and Alianore and after the decease of the former to the latter alone, until deponent departed out of the said lordship.

Matthewe Crossefeld of Pulton, husbandman, aged about 76, says that he has lived there about 50 years and was tenant to the said Thomas and Alianore and continually paid them the said rent, and after the death of the former he paid the same to the latter without contradiction of any person. Deponent has often heard William Benyson his father-in-law, John Benyson, John Robertson and other old men dwelling in Pulton, now deceased, say that they were present when divers servants of Sir Henry Fenwyk, Knight, took possession of a "Meas" in Pulton in the holding of Thomas Bereburn, gentleman, and of all other the lands and tenements which were of John Lamplogh in Pulton and Whyttington, as the jointure of the said Alianore.

Thomas Benyson of Pulton, husbandman, aged 76 years and more says that he has dwelt in Pulton as tenant to John Barburn about 40 years and knows that all Thomas Lamplogh's tenants there paid their rent to the said Thomas and after his death about 24 years ago to Alianore his wife. If this land had not been the

jointure of the said Alianore deponent is sure that "yong" Lamplogh son and heir of the said Thomas would not have suffered her to occupy the same for he "stroff" with her for other lands, but allowed her peaceably to occupy these.

John Symson of Pulton, aged 60 years and more deposes that he was tenant to John Barburn and dwelt there about 30 years, *Robert Benyson* of the same, tenant to the said John Barburn, aged 50 years and more, *Gilbert Shawe* of the same town and tenant to the said John, aged 50 years, and *Thomas Hudson* of the same, tenant to the said John, aged 50 years, depose that all Lamploghwes lands and tenements in Pulton and Whittington were the jointure of Alianore late wife of the said Thomas.

JAMES PEMBERTON *versus* JEFFREY MOLYNEX AND OTHERS
re TITLE TO LANDS AT HALSEND [HALSNEAD]
 MANOR AND WISTON [WHISTON].

Vol. iv.
 P. 3.
 17 Hen. VII.
 [1501-2.]

HENRY, by the grace of God, King of England, &c., to Our trusty Knights for Our body Sir Thomas Butler and John Bothe Justices of Our Peace in the county of Lancaster greeting. Whereas it is complained on behalf of James Pemberton son and heir of John Pemberton of the said county deceased that the said John was seised of the manor of Halsenet [Halsnead] and other lands and tenements in the town of Wiston [Whiston] in the said county in his demesne as of fee, after whose death the said premises descended to the said James, to the possession whereof however he cannot attain because Gefferey Molyneux, yeoman, with 24 riotous persons on the 20th day of March with force entered into the same and still keeps them contrary to right to Our great "merveile and displeasor." We therefore willing that Justice be done command you to enquire into the truth of the matter and to certify the same to Our Chancellor in the quindene of Trinity next coming.

Given at Westminster 18th April in the 17th year of Our reign. [1502.]

We Thomas Butler and John, both Knights, do certify as follows : P. 3. a.

Immediately upon receipt of the said Commission we made out a precept directed to the Sheriff of the county of Lancaster to impanel 24 lawful persons to appear before us at the town of Waryngton in the said county on Saturday in the week of Pentecost, 17 Henry VII. [1502], to enquire into the said riot and forcible entry, which said precept we sent to Lawrance Starky undersheriff of the town of Lancaster, which he "resayved with reverence" and promised to obey. After that we, calling to us John Byrkeheved and William Bretterth Justices of the quorum and other our fellow Justices came on the said Saturday to Waryngton, and asked the Sheriff to return his precept, whereupon Lawrence Starky appeared and returned before us a panel of 24 names which were called and some of them were challenged as not being indifferent. The following 12 persons were sworn, to wit, Rondull Sonky, Esq., Rondull Rixton, gentleman, Henre Yordyscolys, Ric. Tayleor, of Bulde, Hamond Haryngton, Esq., Mathew of Sale, Thomas Norres, Hamond Assheton of Blackbroke, Thomas Qwythyll, John Furth, William Gregory, John Beute and John Peke, and then James Pemberton came before us and showed us the manner of the said riot and forcible entry, desiring that James Weddurbe, gentleman, dwelling next to the said manor, Ric. Ellow constable of the town where the said manor is, Thomas Browne, George Smyth of the same town, Nicholas Waynewryght of Torbok next to the said manor, Robert Ellow, William Crokes, Roger Crokes of the same town and John Wynnynghon, then present, might be sworn and give evidence, who said that they saw men in forcible array going to and in the said place and "other Riatus and myssedemenyng." After them came Geffray Molynex and desired to give evidence as party defendant, which we allowed him to do. Then the said 12 men departed and were kept in a house with 2 keepers, and after weighing the evidence they found that there had been a riot and forcible entry, whereupon we directed a writ to the Sheriff of Lancashire commanding him to go to the said manor and restore the party to his possession, who accordingly put

out the said Geffray and his servants and put the said James Pemberton into possession where he still remains.

Written 1st June, 17 Henry VII. [1502.]

At the Sessions held at Warrington the day and year above-written.

P. 3. b.

The jurors aforesaid say that Geffray Molyneux late of Wegan in the county of Lancaster yeoman, *alias* Geffray Molyneux late of Wegan Wodehouse, yeoman, Ralph Holand late of Pemberton, yeoman, Richard Molyneux, late of Wegan, yeoman, Ralph Turner late of Precoste, yeoman, Robert Molyneux late of Wegan, yeoman, under color of an unlawful title of the said Geffray Molyneux on the 20th day of March, 17 Henry VII. at Halsnet [Halsnead] within the town of Whistan in the county of Lancaster with force and arms entered the manor of Halsnet [Halsnead], in the possession of James Pemberton, expelled the said James and continued in possession until the 28th day of March then next following upon which day the said Geffray together with Richard Molyneux late of Hawclyf in the county of Lancaster, gentleman, Thomas Gorsuche late of Prescote, yeoman, Henry Molyneux late of Wegan, yeoman, Nicholas Burton late of Prescote, yeoman, Alan Perpoynt late of Prescote, yeoman, Roger Barton late of Eccleston next Prescote, yeoman, and James Porter late of Prescote, cutler, detained the said premises by force and still keep the said James out of the same.

SIR WILLIAM WALL, CLERK, FARMER OF LEYLOND LORDSHIP, AND
THE TENANTS OF THE SAME, *versus* HENRY FARINGTON AND
OTHERS, *re* TITLE TO LANDS IN LEYLOND LORDSHIP.

To the King our Sovereign Lord.

Vol. vi.
W. I.
18 Hen. VII.
[1502-3.]

SIR William Wall priest with all your tenants of the lordship of Leylond in the county of Lancaster complains that where it has pleased your Majesty to let in farm to your poor subject the said lordship of Leylond with other lordships there near adjoining: Now one Henry Farington of the same county, gentleman, "Betys

[beats] and Maymes" your said tenants, chases them out of their houses and will not suffer them to occupy their holdings, nor common of pasture, and moreover when your said farmer or bailiffs go to the said lordship to collect the rents of the tenants there the said Henry with the assistance of his tenants and friends, to the number of 100 and above, with bows, arrows, &c., set about to kill them, who several times have "right straitly escaped away to their grete daunger." Moreover the said Henry has discharged divers of your tenants who have paid their farm to your grace and your officers there for 40 years, saying that the land is his, and also divers parts of your lands there which he occupys, calling it his own inheritance.

Prays for writ of Privy Seal.

These are the names of the plaintiffs and their records.

W. I. a.

I Thurstan Couper complain that where my wife on St. James's day last would have sold her ale to your tenants as usual, one Edward Rutter servant to Henry Faryngton, gentleman, took a pot of ale from her and "Breke the pott upon hyre Baly shoo Beynge grete with chylde wich caused hyre to travell of chylдынge before hyre time, wherby schoo war lykely to be distroed and never syth that time schoo hade hyre helth ne never is lyke to have." Prays for remedy.

I the said Thurstan Couper complain that where I was sitting in my poor house in God's peace on the night of Friday next before Passion Sunday last, Edward Rutter and Rauf Blakelych servants of the said Henry Faryngton came to me and bade me go to my neighbour Evan Collyn and warn him to keep out of their way for they would do him a "foule turn" if they met him. As I "yode" to him they followed me, and not finding him at home they beat me in the King's free tenement. With them were Roger Faryngton, Hugh Hoghson and John Ashton.

I Ric. Kerfoute, the King's office and bailiff in Leylond complain that when William Wall, Clerk, your farmer had come to Leylond, as well at the request of the said Henry Faryngton as at the desire of his "mowder," to treat between them in their matters

at variance plaintiff being with him, the said Henry sent out his servants to beat, maim or kill him.

I Lawrence Ecclis complain that where I was in your free tenement the said Edward Rutter and others broke into the said tenement and beat me grievously with staves.

I Edward Lykcas complain that where I was in my house, the said Roger Faryngton and others on the night of Friday next before Passion Sunday last came to my said house with staves, &c., but I had had warning of their coming, so I escaped out of my house, else they would have slain me. I "roode" to Eccliston to your farmer's house to complain, but he was not at home, and his servants showed me that William Smyth your escheator was in the country and was going to make a "Rull" [rule] in that matter, howbeit I have been in as great jeopardy ever since as I was before.

I the said Edward also complain that where I was making a marl pit on your common to amend your lands and my tenement according to the custom of the county there the said Henry came and discharged me "on payne of my hed," so that I dare not work any more. And whereas at my great charge I had made a little house on your common for your advantage and my profit the said Henry discharged me.

I Robert Faryngton your poor tenant in Leylond complain that where I have made a little house upon your common, to the anoyance of no man and to your advantage, and have paid the farm thereof for 16 years to your officers, the said Henry has discharged me from the same of his malice.

We Laurence Blaklych and Edmond Smyth complain that the said Henry Faryngton has discharged us from the lands we had held of him and his ancestors for a long time to our great hurt.

I Rauf Whittill complain that where my father and I have for a long time held a tenement of your grace and have always paid the farm for the same to your officers for 40 years, and not to him the said Farynton has discharged me from the same.

I William Sumpnor complain that where I without any sort of weapon upon me was going "one fychynges opon oure lady day the vicitacion" in the 16th year of your reign [2nd July 1501] the said Faryngton sent Nicholas Wodcoke and Rauff Banes and others, and by his cruel commandment they beat me with staves on the head and body and nearly killed me. Also as I was going towards the town of Preston to the market "in my nedfull errandes" the said Henry Faryngton was in the way, whether intentionally or not I cannot say, howbeit I understood from a gentleman named Jenkyn Faryngton that I was in danger. The said Faryngton took me by the bosom, drew out a long hynger a knife and said I should die, but I "zeld" me to him and so escaped.

I Seth Sumpnor complain that where I sat "playng" with one Thurstan Wodcok for ale as the manner of the country is, he suddenly struck me on the face with great violence, which I suffered knowing my master Wall had promised the peace for him, and understanding also that the said Faryngton was bound to the peace by subpena for him.

All your said tenants above written complain that the said Faryngton occupies your wood lying near the water of Lostoke; also certain land called Gennynge Hees to the value of 6 acres and more, saying it is his own inheritance: which said wood and close we always call yours, never having heard to the contrary.

The said William Wall, Clerk, complains that when he went to Leylond upon a Tuesday in Lent, in the 15th year of your reign, for the good rule and governance of your tenants there the said Faryngton with 100 other persons came to murder plaintiff who however managed to escape by the help of Sir Richard Longton, Knt. lately deceased.

Also another time when plaintiff was going to Eukystonborgh [Euxton] on certain errands the said Faryngton gathered together 200 persons and came thither, so that if plaintiff had come as he intended he would have been killed, and he was obliged to depart in all haste.

Another time when my Lord of "Canturbury" "vacante sede Cestrie" plaintiff according to his duty as "diocisyn" there came to wait upon the said Vicar with his household, many of them priests, we the said tenants said women and children taking bows, arrows, &c., into 2 of the said Farington's houses, and immediately after he with a great company came to the Church of Leylond, and leaned against the walls within and without the said Church, and bent their bows at the pillars. The said Vicar General asked what it all meant and plaintiff said he feared no good, whereupon the said Vicar arose and went to speak to the said Faryngton, and so departed without mischief.

"Soverane lorde we schewe this for no malis neyer favor of noo party bott for very truth."

Underwritten are the names of your subjects and tenants of your said lordship of Leylond who do not complain but who came in record and witness to hear the complaints of plaintiffs and to testify with them; and so we testify that the above complaints are true.

William Sumpnor, senior.	George Wryght.
Rauff Boolton.	Thomas Clerk.
Nicholas Plompton.	Oskell Sumpnor.
Edwarde Warynge.	Youett Sumpnor.
Rauff Ewkyssston.	Anton Sumpnor.
James Blakelych.	William Sydyll.

Ector Prior of Burscogh.

William Worthynton.

W. I. c.

The answer of Henry Faryngton.

Defendant says that William Faryngton his father and his ancestors have been seised of a close within the said lordship of Leylond called Bromffeld in their demesne as of fee, and occupied the same until Thomas Molyneux, Knight, being the King's farmer there disseised defendant's father and wrongfully occupied the same. After the death of his said father defendant discharged the occupiers and tenants of the said close commanding them to cease their wrongful occupation. As many of his neighbours were at

variance defendant appealed to the said plaintiff to take the said matters into his hands, whereupon he examined the said parties and gave his award in writing, which they have hitherto truly observed, without that that defendant ever beat any of the King's tenants, &c.

Henry, King of England, to the Prior of Borescough and to Roger Bradshawe and William Worthington Esqrs., commanding them to find out whether the said Henry Faryngton has committed any misdemeanors within the said lordship of Leylond.

W. I. d.

Given at Westminster 7th February, 18th year of Our reign.
[1502.]

To the King.

W. I. e.

By force of Your Grace's said Commission we Ector Prior of Borescough and William Worthington, on the 16th of February, called before us your subjects and tenants of the said lordship, and 8 persons complained and showed us their "griefs and hurts," swearing to them upon a book, and 12 persons, also your tenants, but not complainants, witnessed that the said complaints were not feigned, both faithful and true, whose names are annexed to this our "poor and rude certificate."

Ector Prior of Burscogh.

William Worthington.

THE KING'S ESCHEATOR OF COUNTY OF LANCASTER *versus* SIR
HENRY HALSALL, KNIGHT, *re* TITLE TO LANDS AT
NORTHMELYS [NORTH MEOLS] AND SCARSBRICK.

.	.	.	.	¹ made by the King's Escheator in co.	Vol. iv.
.	.	.	.	ward of the heir of Gilbert Scarisbrek late	L. 7.
deceased	.	.	.	King's title that the said Gilbert	19 Hen. VII
should have certain lands and tenements by	.	.	.	.	[1503-4.]
Lancaster called the Wyke, held of the King	.	.	.	.
"augh" to have the said ward, and for proof thereof shows a	.	.	.	.
.	.	.	.	some time	4th part of a

¹ The MS. is very much defaced.

knight's fee of the Duke of Lancaster
 Scarisbrek andghton as in the right of their wives
 paid part of a knight's fee in the said
 Northmelys [North Meols] the which they
 Gray and Robert Moeles before that time held the same.

. is answer that Robert Moeles
 and afterwards William Cawdray some time held of
 Duke the 4th part of a knight's fee the said
 Northmelys, and that the said Henry Scarisbrek and Ric. Aghton
 [in] right of their wives paid to the said Duke reasonable aid to
 the same, for the said Henry Scarisbrek married Alianore one of
 the daughters and heirs of Robert Cawdray son and heir of the
 said William Cawdray, which said Alianore afterwards died without
 issue. The said Richard Aghton married Katherine another of
 the said daughters and heirs of the said Robert Cawdray, and had
 issue by her William Aghton ancestor of Hugh Aghton Esq., whose
 heir the said Hugh is: the which Hugh and all his ancestors ever
 since the death of the said William Aghton have had
 day the said lands in the said Northmelys held of the King as of
 his Duchy of Lancaster as their inheritance
 from the said William Aghton.

. And where it is further surmised by the said Escheator
 that the said Gilbert Scarisbrek was seised of
 called the Wyke which he surmises to be the same Wyke that is in
 the said town of said Duchy whereunto it
 is answered that the said Wike is another Wike and
 the Scarisbrek which is held of Thomas Earl of
 Derby and not in the Moelys aforesaid as shall be proved by good
 evidence that the one Wyke is in one town and the other Wyke in
 another town: both the said Wykes are pasture of moss and
 "Marres" ground, and a great moss dyke has always been between
 them, dividing the two.

This is the answer to the title made by the King's Escheator
 in county of Lancaster made for the proof that Sir
 Henry Halsall, Knight, should hold certain lands and
 tenements in Argarmelys.

First where it is surmised by the Escheator that the said Sir Henry Halsall should hold certain lands and tenements in Argarmelys of the King as of his Duchy of Lancaster by knight's service, and for proof thereof shows a "feodare" proving the 4th part of a knight's fee to be there held of the said Duchy: Thereunto the said Sir Henry says that the said Argarmelys and all the lands and tenements in the same are and were at the decease of Hugh Halsall his father whose heir he is, and long before within the "hegh see and drowned and adnichilate with the sayd hegh see and oute of the lawgh water marke and also oute off the body of the sayd Countye," so that they are not held of the King or of any other person.

This matter is committed to the examination of Umfrey Conyngsby one of the King's Justices at Lancaster, who is to certify in the next term.

These witnesses have deposed before me Humfrey Conyngesby at Lancaster on St. Bartholomew's Day, 19 Henry VII. [1503] as follows for Scarbrige, &c.: L. 7. a.

Gebon Johnson of the Parish of Scarisbrig, aged 78, deposes that he was born there and has lived there ever since. He knows two places called Wyke both in the same parish the one called Long Wyke and the other the High Wyke. Northmelys is a parish by itself, and he knows no place therein called the Wyke nor any land therein belonging to Scarisbrig.

Robert Blondell of Scarisbrig, aged 37, was born there and has lived there ever since. Knows two places called the Wyke both in Scarisbrig in the parish of Ormyskirke and the third in the parish of the Melys [Meols] which belongs to Hugh of Acton and is occupied by him contains 12 or 15 acres.

John Tailour of Skicape, aged 50 years and more, born in Warrington deposes as above.

Depositions taken the same day and place on behalf of Sir Henry Halshall, Knight.

John Shirlok, aged 80 years, deposes that he was born at Halsall and has always lived there. He never knew of any town, or hamlet, or lands called Argarmelys, but has "hard sey that suche londes ther were and drowned in the See but wher ne in what parte he never hard tell."

William Harryson of Barton, $1\frac{1}{2}$ miles from Halsall and 2 miles from Scarysbrig, aged 66, deposes as above.

Hugh Tokwold of Halsall, aged 75 years, was born at Snape which is 2 miles from Halsall, and has lived at the latter place 60 years and more, and has heard that the Abbots of Meryvall and Whalley had great lands within 4 miles of Halsall "worn into the see."

SIR RICHARD SHIRBORNE, KNIGHT, *versus* SIR PETER LEE,
KNIGHT, *re* FALSE IMPRISONMENT OF PLAINTIFF'S
SERVANTS AT CLITHEROE CASTLE.

*To the Right Honorable Sir Richarde Emson, Knyght, and
Chaunceler of the Duchy of Lancastre.*

Vol. ii.
S. 6.
20 Hen. VII.
[1504-5.]

"SHEWITH unto your good Mastership" Sir Richard Shirborne, of the county of Lancaster, Knight, how that Sir Piers Lee, Knight, on the 23rd day of September last past, in the 22nd year of his Majesty's reign of "grete evyll wyll and malice withoute any cause shewed or knawen," took one John King of the said county, household servant to plaintiff, and committed him to the Castle of Clidrow [Clitheroe] in the said county and has kept him in prison ever since, although your said suppliant has often desired the said Sir Piers "to have the said John Kyng to bayll," offering unto him sufficient sureties for the John that he should at all times be ready to answer to any cause that should be alledged against him: for "reformation" whereof it may please your Mastership to take surety for the said John King that he shall appear personally at Westminster to answer to all the matters objected against him: also to command the said Sir Piers to "deliver the said John to his large."

“Th answare of Sir Pieys Legh, Knyght, to the bill of Complaynt of Sir Richard Shirburne, Knyght.” S. 6. a.

For the declaration of the truth the said Sir Piers says that the said Sir Richard Shirburne the Sunday next before the Exaltation of the Holy Cross last past [—September, 1504], caused divers proclamations to be made in divers Churches in the counties of Lancashire and Yorkshire commanding generally the King's subjects in those parts to muster and appear before him the “vēisday” next after, and to be “in harnesse and ffensable araye” in a place called Whalley More. And so it was that on the “twisday next afore the said wēisday” a proclamation was made at the King's Court held at his Castle of Clederowe that none of the King's subjects should make muster or unlawful assembly “contrary to the Kynges mynde and his lawes,” at which proclamation the said John Kyng being porter at the said Castle of Clederowe and the King's tenant, and before that time retained and sworn to his grace, was present, and contrary to the same assembled at Whalley Moore with about 300 other riotous persons, and mustered before the said Sir Richard Shirburne. After this unlawful assembly the said Sir Piers being the King's servant and steward there sent for the said John and “examyned hym of his seid mysdemeynors and Contemptes to the Kynges grace,” and because he could make no reasonable answer committed him to ward until his Majesty's further pleasure should be known.

JOHN ELLAWRE *versus* RALPH HOLLAND *re* TITLE TO
LANDS AT OPENSHAW.

*To the full Honorable Chancellor of the Duchy of Lancaster and
other of the King our Sovereign Lords Noble Councill.*

“PITIOUSLY compleyneth unto your Maistershippes” John Ellawre of Openshawe in the county of Lancaster “wever” that whereas he took a parcel of land containing 12 acres and 1 acre of “mede” lying in Openshawe of Sir John Beth [Booth], Knyght, for the term of his own life, and built a house of 4 bays

Vol. ii.
A. 3.
21 Hen. VII.
[1505-6.]

on the same, and was thereof seised in his demesne as of freehold and continued in peacable possession thereof for 9 years until the Friday next before the feast of Pentecost next following the 19th year of the reign of the said King, when there came one Rauff Holand of Cleyton in the county of Lancaster, gentleman, and "with him associat a c persones and moo unknowen" early in the morning "afore the spryng of the same daye" and then and there made an assault upon the said John Ellawre with force and arms, to wit, with "Billes, axes, Brigandires, Jakkes, salettes, bowes, arrowes, swerdes, bokelers, spades, shofles, and Matokkes, and other abili-mentes of Warr and hym for dred of hys liffe riottously drove out of his house and att hym shotten xl. arrowes and moo to th' entent to have murdred and slayne hym and hardly and daungerously escaped with his liffe and in contynent with the same riottouse maner and force hewed dowe the house of the said John Ellawre and all most murdred thre of hys children lying in their beddes and cast downe the diche of the said ground and distroied hym ij acres of barley and otes." The said John built up his said house of 4 bays again at great cost, but in the week next after the feast of the Purification of Our Lady then next following the said Rauffe Holland with 140 persons assembled again and "eftsones cutten down" the said house, and took away goods to the value of £10.

Besides this, on the 15th day of August, 21 Henry VII. [1506] John Gillam late of ffaillesworth, in the county of Lancaster, yeoman, and 40 other persons to plaintiff unknown, with whom were associated 28 "wommen persones" assembled with "Silkes and Hokes"¹ by commandment of the said Rauff Holand and then and there "too acres of barley and otes cutten downe grene and hit utterly distroyed and hewed downe iiij yates hangyng in the severall groundes of Openshawe betwen that and Drilesden More," whereby plaintiff is utterly destroyed and undone, and many of his neighbours sore hurt.

Prays that the said Rauffe may be compelled to answer to the premisses.

¹ Probably Sikes, an old word for scythes, is intended.

The answer of Rauff Holand to the bill of John Ellowr.

The said Rauff says the said bill is "untrewe ffeyned and contrived off polycy to cause the said Rauff to cess to declar and shew the wrongfull demeynor open wrang and coydent Riottes doon by the said John Ellowr and hys adherentes."

The land where the riots and the pulling down of the houses is supposed to have been done is a parcel of land lately of "wrang incroched and closed in off and ffro a comyn pastur called Opynscha Mor" by the said John Ellowr: which moor is the freehold of John Beron son and heir of Nicholas Beron, Knight, who is now under age and in the wardship of the King, and John Booth, Knight, in common.

The pulling down of the said house and the laying out of the said encroachment was peacably done by the said Sir Nicholas Byron in his life time, in all which matters the said Sir Nicholas, John Ellowr and Sir John Booth, Knight, were "agred" by Master Lovell and Master Mordaunt and others of the King's "conseill" at the Abbey in Burton upon Trent, in the county of Stafford, when it was ordered that the said encroachment should "ly opyne" and so "hyt dyde to aftur" the death of the said Sir Nicholas, that is to say until the 1st day of March [1506] last past when the said John Ellowe contrary to the said direction enclosed the said encroachment, without that that there was any assembly or destruction of barley as in the said bill is supposed, &c., &c.

RALPH ATHERTON *versus* THOMAS ATHERTON,
re DISPUTED TITLE TO MESSUAGES AND LANDS IN SUTTON,
 RAINFORD, AND WHISTON.

To the King our Sovereign Lord.

RAUF Atherton son and heir of Humfrey Atherton complains that where Robert Sankey and Rauf Knolles priests were seised of certain meases and lands in Sutton, Rayneford, Whiston, and other places in the county of Lancaster, in fee to the use of one Piers Atherton and his heirs, and to the intent to perform his

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will: by which will the said Piers declared that his feoffees should make an estate of the said premises to the said Humfrey and his heirs which they accordingly did, by force whereof the said Humfrey was seised of the said premises in his demesne as of fee "till by on Henry Atherton disseasede" upon whom the said Humfrey made a continual claim all the life of the said Henry. After the death of the said Henry, one Hamonett Atherton entered into the said meases and lands, and after his death one Thomas Atherton entered into the same which he still keeps with great force and might. Plaintiff has no remedy against the said Thomas because of his great power, and therefore prays for Letters of Privy Seal.

A. 2. a. The answer of Thomas Atherton.

Defendant says that one Rauf Atherton was seised of the lands and tenements specified in the said bill in his demesne as of fee and died thereof seised, after whose death the said premises descended to Henry Atherton as cousin and heir of the said Rauf, to wit, son of Nicholas, brother of the said Rauff, who thereupon entered into the same and died thereof seised. After his decease one Haymond as his son and heir entered upon the same and died thereof seised. After his death the same descended to the said Thomas Atherton as his son and heir, by force whereof the said Thomas entered into the same and is still thereof lawfully seised, without that that the said Robert Sankey and Rauff Knolles were seised of the said premises, &c., &c.

A. 2. b. The replication of Rauff Atherton [contains no fresh evidence].

A. 2. c. Writ dated 26 July, 21 Henry VII. [1506], directed to Sir John Bothe, Knight, and Sir Henry Halsall, Knight.

A. 2. d. The Certificate of a Commission directed to us Sir John Bothe, Knight, and Sir Henry Halsall, Knight, to the right honourable Sir Richard Empson, Knight, Chancellor of the Duchy of Lancaster, for the examination of a matter in variance between Rauf Atherton plaintiff and Thomas Atherton defendant concerning certain lands and tenements.

Depositions on behalf of Thomas Atherton, made by divers witnesses at Ormeskirke, in county Lancaster, before the said Commissioners on the feast of the Decollation of St. John the Baptist, 22 Henry VII. [1506].

John Torbok aged 78 years and above, dwelling in Aghton, in the county of Lancaster, which is about 4 miles from the lands in variance, deposes that he knew Rauf Atherton "whiche they called Raulyn Atherton, a gud Squyer in that Cuntre," and dwelt with him 5 years as his butler, and "daily comyng and goyng to him as long as he liffed." Defendant never heard that his said master had made any estate of his lands in Sutton, Raynford, or Whiston, to Robert Sonkye or Rauf Knolles priests to perform his will. After the death of the said Raulyn the same descended to Henry Atherton as his cousin and next heir, to wit, son of Nicholas, brother of the said Rauf. Defendant knew the said Henry and Nicholas well. The said Raulyn had a son called Pers Atherton and "oy⁹ iiij Bastardes and never issue mulierly begoten." The said Pers, bastard, had issue Humfrey, father of the now plaintiff. The said Pers died soon after his father and never made claim to the said lands. The said Humfrey Atherton dwelt in "the namptewyche in Chestreshir" and never "streyned" upon the said lands. When the said Rauf was lying on his death bed sent defendant for Sir Henry Buld a "worshipfull Knyght" to hear him make his will and sent him his Signet of gold, but before they could get back the said Rauf was dead without any will making. The said Pers then laboured to the said Sir Henry and desired him to bear record of such writing as they would make in his father's name, but he said "naye not for a thousand pounde." Defendant was present when this was said.

Johannet Atherton late wife of Gilbert Walshe, bastard daughter of the above said Raulyn, aged 58 years and more, dwelling in Aghton, deposed that her father made a "Draght" of evidence whereby all his bastard sons except Hugh should have had his lands, and if they died without issue to remain to his bastard daughter. When it was read over to Pers Atherton

he asked his father to give him his portion in such a way that he could give it to his bastard children, or do what he liked with it, but this his father refused, and as they could not agree on this point the said Raulyn left off and "made no man⁹ writyng."

Katherine wife of Richard Mosse of the age of 60, dwelling in Mellyng, 6 miles from the lands in "traverse" deposed that she was conversand with Robert Atherton one of the bastard sons of the said Raulyn and bare him a child, and often heard the said Robert say that he and his brothers would have had their father's lands, but that Peris his brother "varied" with his father.

John Robynson aged 60 years and more, dwelling in Kyrkby, 6 miles from the lands in variance, deposes that he was servant to the said Robert Atherton above named, and often heard him speak of the variance between his said father and the said Piers. Henry Atherton and Hamond his son, father of Thomas Atherton named in the said bill occupied all the said lands and died thereof seised.

James Medocrofte, priest, aged 34 years, dwelling in Ormeskirk, deposes that about 7 years ago one Nicholas Marrall of the parish of Ormeskirk, lying on his deathbed sent for Sir Richard Hulme his curate, and before him and defendant the said *Sir* Nicholas openly declared that he was present when one Richard Wiswall at Aghton Church, before many persons asked forgiveness of Henry Atherton for forging evidence that he had made after the death of Raulyn Atherton in his name to his bastard sons.

Hamond Marrall son of the above named Nicholas Marrall, aged about 30, dwelling mostly in Ormeskyrke, deposes that he was present when his father made his open confession as is above said.

Thomas Tunstall aged 60 years and more, dwelling in Borston, deposes that he knew Henry Atherton, Hamond Atherton his son, and Thomas Atherton his son, and never knew but what they had had the possession and farm of the lands in variance ever since the death of the said Raulyn Atherton. Defendants father and

mother were for many years tenants of one parcel of the lands in dispute and always paid the rents to them and no other. The said Raulyn never had any issue except bastards.

p me John Bothe, militt.

p me Henry Halsall, militt.

RALPH HOLLAND, THE KING'S BAILIFF, *versus*
JOHN THOMASSON AND OTHERS, *re* TRESPASS AND ASSAULT AT
CLAYTON MANOR, BUTTERWORTH, AND CHORLEY.

To the King oure Sovereign Lord.

PYTYOUSLY compleyneth to your hyghness your "pouer subgiett" Rauf Holand tenant to John Byron your "warde son and heyr" of Sir Nicholas Byron, Knight, lately deceased, that whereas your said orator as tenant and farmer of your said ward had "plowen and sowen with Barly" 10 acres of land in his holding at the manor place of your said ward called Clayton, to the intent to have had increase and profit from the same: Nevertheless John Thomasson, Jakson of Opynshare in the county of Lancaster, Thomas Thomasson, Jakson, Rauff his son, Raufe Bybby of the same, John Ellawre the elder, John Ellawre the younger, Robert Ellawre and George Bexwyk, with other riotous persons to the number of 40 "and moo" the 15th day of August, in the 21st year of your most gracious reign, with swords and staves at Clayton, made an assault upon the said Rauf to have "betyn or sleyn" him, and "then and thear kutte down and distroyed" the said barley to the value of £20 and more, so that your said orator had no advantage from his said corn or ground.

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On the 6th day of September last [1507], the same persons at Drynsden [? Droylsden], in the said county, "hewed" and pulled down the house in the holding of the wife of Rauf Purseglove, standing on the "severall ground" belonging to your said ward.

And whereas also your said "besecher" as your bailiff at divers times had distrained Hugh Scolfeld of Butterworth, for a certain chief rent "goyng of" certain lands in Butterworth

belonging to your said ward : nevertheless the said Hugh and other persons with force and arms have always "rescowed" the said distress and "woll in no maner wyse pey no such rent," but with strong hand withhold the same.

Also one Roger Aleynson of Chorley, with force witholds from your said ward lands and tenements in Chorley, to the yearly value of 20s., to his disinheritance and to the utter undoing of your besecher and of the wife of the said Rauf Purseglove.

Prays for Letter of Privy Seal to be directed to the persons above named.

H. 6. a. This is the answer of John Thomasson, Jakson, Thomas Thomasson, Jakson, Rauff, his son Rauf, Bibby, John Ellawre, and George Bexwyk, to the bill of complaint of Rauffe Holand.

Defendants say that the 10 acres of barley and the house were not of the value of £20, and are matters determinable at common law and not in this court "whereof they prayen allowance."

As to the assault and affray supposed to have been made upon the said Rauf Holand, and the cutting down of his house and barley, defendants say they are not guilty, and pray to be dismissed out of the court with their reasonable costs for "ther wrongful vexacion in this behalfe."

H. 6. b. The replication of Rauf Holand.

The said Rauf says that he is "rent gadrer" to the King by his Majesty's commandment of all the lands and tenements to the said King belonging by reason of the wardship of the said John Bryon now being within age.

As defendants do not answer to the articles comprised in the said bill, plaintiff desires that they may have due punishment for their obstinate disobedience. Plaintiff deposes that the said riotous persons mentioned in the bill at the command of Sir John Booth, Knight, their "beirer and maintenor" have riotously come in harness since the said bill was put into this court, to the demesne lands of the said manor of Clayton parcel of the lands

being in ward and there have hewn down 3 "yates" within the same, intending to have "sleyn or soor beten" the said Rauf if he had withstood them.

Moreover the said Sir John Booth on the 26th day of January last sent the said riotous persons to parcels of the said lands now in ward "and them caused to dych and Inclos" to his own use a close parcel of the lands belonging to the King, and "hit nowe occupieth and kepeth severall ffor his owne profytt and avayll contrarie to ryght and gud consciens."

ROBERT BANASTER AND HUGH EGLESTON [ECCLESTON] *versus*
JOHN SHAA *re* TITLE TO MESSUAGES AND LANDS
IN ROVYNTON [RIVINGTON].

To the King our Sovereign Lord.

ROBERT Banaster and Hugh Egleston [Eccleston] complain that where one Elys Bradshagh and Nicholas Hyton were seised of divers lands and tenements with appurtenances in Revynton in the county of Lancaster in their demesne as of fee, and so seised gave the said premises to William Bradhurst, to hold for life, with remainder to Robert Bradshagh and to his heirs by Elin his wife, as by a deed thereof made plainly appears: after the death of the said William the said Robert entered into the said premises and was thereof seised in his demesne as of fee tail: the said Robert and Elyn had issue, Jane and Margaret, who after the death of their said parents entered into the said lands: the said Jane had issue Thomas, and he had issue the plaintiff Hugh Egleston: the said Margaret had issue Rauf "which" had issue Robert the plaintiff: Now so it is that John a Shaa of the parish of Standissh in the county of Lancaster with great force keeps the said lands from plaintiffs and takes the profits thereof: the which John is a man of great riches, living near the said lands and "mony gret gentlemen in that country mayntene hym," whereas plaintiffs do not dwell in the said county and are poor and without acquaintances.

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[1506-7.]

Prays for Letters of Privy Seal.

B. 1. a.

The answer of John Shaa.

Defendant says that before this time the said plaintiffs put in a bill against him before the King, but as he was ill he was allowed to make answer by James Shaa his son, whereunto plaintiffs never replied, so defendant was dismissed out of the court.

In order further to vex defendant who is "feble; impotent, olde and Seke, not able to ryde ne goo," plaintiffs have surmised this complaint, thinking to compell defendant to agree with them. This matter is determinable by common law because the town of Robyngton [Rivington] stands within the County Palatine of Lancaster. The said William Bradhurst was seised of the said lands and tenements in his demesne as of fee, and so seised gave the same to one Richard of Bulhall and to Elyn his wife, daughter of the said William, and to their heirs, who after the decease of the said William entered into the same and had issue Jamys, Nicholas, and Margaret. After the death of the said Ellen the said Richard Bulhall enjoyed the said lands for his life: after his death the said James as his son and heir occupied the same for his life, and died without issue of his body, by force whereof the said premises descended to the said Nicholas as heir to his said brother: the said Nicholas also died without issue, after whose decease the said lands descended to Elizabeth now wife of the said John Shaa as daughter and heir of the said Margaret, sister and heir of the said Nicholas, by force whereof the said John Shaa is now seised of the premises "as in a ffrank tenement," and the said Elizabeth in her demesne as of fee tail. Defendant says that the ancestors of the said Elizabeth have been seised of the said premises for 80 years and more without that that any such estate was made by the said Elys Bradshagh, &c., &c.

B. 1. b.

The replication of Robert Banaster and Hugh Egleston.

Plaintiffs say that when the said suit was commenced against the said John Shaa he was a man "lusty and able to goo and Ride and no man of so gret age as is spoken of in the answer of defendant for he excedith litill the age of fyfty yeres."

The rejoinder of John Shaa.

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B. i. c.

Defendant says that he is nearly 80 years old "as is right well known in his cuntre," and may not ride or go.

Writ dated 20th Nov., 22 Henry VII. [1506] directed to John Chaloner, Richard Hesketh and Robert Henryson.

B. i. d.

The Certificate of John Chaloner, Ric. Hesketh and Robt. Henryson, taken at Lancaster 18th March, 22 Henry VII., in the matter at variance between Robert Banaster and Hugh Eccleston of the one part and John Shaa of the other part.

B. i. e.

Plaintiffs showed to the said Commissioners a deed dated at Rovyngton [Rivington] on the Saturday next before the feast of St. Mark, 13 Ric. 2 [1390], wherein was contained that one William Brodehurst enfeofed Elys Bradsha and Nicholas Hyton of the said lands in variance in the said town of Rovyngton [Rivington]: to hold to them and their heirs for ever, by force whereof they were thereof seised, and by deed dated at Rovyngton [Rivington] the Wednesday next after the feast of the Ascension of Our Lord, 18 Ric. 2, demised the said premises to the said William Brodehurst for his life, with remainder to Robert, son of Thomas Bradshagh, and his heirs by Elyn his wife, daughter of the said William. The said Robert overlived the said William and entered into the said lands: he and the said Elyn had issue, Jane and Margaret, who entered into the same: the said Jane had issue, Thomas, who had issue, Hugh, plaintiff, and the said Margaret had issue, Rauff, who had issue, Robert, the other plaintiff.

The said John Shaa confessed that it was true that the said William Brodhurst enfeofed the said Elis and Nicholas Hyton the said lands by the same deeds to them and their heirs for ever, but the said John showed a deed indented made by the said William whereby it appeared that the said feoffment was made on condition that if the said Robert Bradshaa married the said Elyn, daughter of the said Brodehurst, within five years next following that then the said feoffees should make an estate to the said Elyn and to her heirs by the said Robert. The said marriage did not

take place within the said five years and because the said estate was made to the said Bradshaa and his wife contrary to the said condition the said Brodehurst made a feoffment to Richard Bulhalgh and the said Elyn then his wife, which estate the said John Shaa has as well by inheritance as by other lawful conveyances, for proof whereof he showed an award made by Thomas late Lord Stanley, 18 Henry VI., between Anthony Banaster and John Eccleston of the one part, and Richard Bulhagh and James Bulhalgh of the other part, rehearsing all the premises, and also an old former entail made to the said Bradhurst's ancestors.

ROBERT RUSSHEDEN, PORTER OF CLITHEROE CASTLE *versus*
SIR PETER LEIGH, KNIGHT, *re* OCCUPATION OF
OFFICE OF PORTER.

*To the Right Worshipfull Sir Richard Emson, Knight,
Chaunceler of the Duchie of Lancaster.*

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[1506-7.]

“COMPLAYNYNGLY sheweth unto yor good maistership Robert Russheden servant to my Lord Prince,” that whereas the King has given to your orator the office of porter of the Castle of Clyvero [Clitheroe] within the County Palatine of Lancaster with the wages and fees thereto belonging, to occupy the same by himself or his deputy, as by the King's Letters Patent under the Duchy Seal it more plainly appears: Now so it is that Sir Piers Leigh, Knight, “without ground or cause lefull with force and mighty hand” has expulsed your said orator's deputy from the said office, which since Michaelmas last which was in the 22nd year of his Majesty's reign has been occupied by the said Sir Piers' deputy, who has taken the profits of the same, to the express wrong of your said orator. Wherefore and in consideration that your said suppliant stands bound to the King's Grace with divers sureties with him in 400 marks for the true exercising of the said office, he humbly prays you to address Letters of Privy Seal to the said Sir Piers, commanding him to suffer your said suppliant to enjoy his said office.

HENRY RYSLEY *versus* RICHARD CHORLETON AND THOMAS
RADCLIFFE *re* TORTIOUS POSSESSION OF LANDS
IN MANCHESTER.

To the Kyng our Sovereigne Lord.

“MOST humble besechych yor highnes” your faithful subject Henry Rysley esq., that whereas he lately purchased of Alice Mylnes of Tottenham in the county of Middlesex certain messes, lands and tenements in Manchester within your County Palatine of Lancaster, to the yearly value of 40s. and above, by reason whereof he was thereof lawfully seised in his demesne as of fee, until he was thereof forcibly and with great might disseised by Richard Chorleton and Thomas Ratclyff of Manchester, who have ever since occupied the same to the great loss of your said suppliant unless your gracious help and succour may be shewed to him in that behalf.

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22 Hen. VII.
[1507-8.]

And forasmuch as your said suppliant dwells at Tottenham far from the said premises, and the said Richard and Thomas abide continually in Manchester and have “suche ffavor and ayde in those partyes” that your orator is not able to obtain right against them by the common law: may it please your highness of your “most noble and habundaunt grace” to grant your Letters of Privy Seal to be sent to the said Richard and Thomas, commanding them to restore your said suppliant to his said “lefull” possession.

SIR JOHN BRERETON *versus* ROBERT WORSLEY *re* DISTURBANCE
OF RIGHT OF COMMON AT WORSLEY MANOR ON
WALKDEN MORE.

To the Kyng our Sovereign Lord.

IN most humble wise complayneth to your noble grace your faithful subject and true liegeman Sir John Brereton, Knight¹ that whereas your said “besechor” and Dame Jane his wife

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[after 1499.]

¹ Worsley Manor, about 1499, on the death of William Stanley, passed to his daughter Joan, who married Sir John Brereton, a younger son of Sir Randle Brereton, of Malpas.

are seised of the Manor of Worsley [Parish of Eccles] with appurts. in county of Lancaster in his demesne as of fee in right of the said Jane within which manor, "besechor" has a great moor or waste ground called Walkden Moor wherein the tenants of your said subject have common of pasture for certain of their cattle: and "for that" that divers persons adjoining the said moor have often wrongfully usurped and put their cattle into the same and so overcharged it that the said tenants could not enjoy the common for their own cattle, by reason whereof besechor and his wife and all her ancestors have time out of mind been used to drive all the cattle in the said moor to the common pound within the said manor, and the owners who have no common for their cattle have paid a reasonable amend for their trespass: how so it was gracious sovereign lord that Robert Worseley of Bowthes, esq., accompanied by divers "riotos and misruled" people "arraied in a maner of warr with jacks, Brigandynes, Gestrons, Galettes, and stele bonettes, bowes, arrowis, speres, billes, swerdes and bokelers" to the number of 154 persons and above, the morrow after the feast of St. John the Baptist last past, knowing that your besechor intended that day to drive the said moor assembled in several "previ" places there having with them a long spear with a "Kerchew" [Kerchief] hanging on it for a token when they should all meet. That day according to their ancient custom some of besechor's servants "drave" the said moor, and were bringing the cattle found there towards the said pound when the said persons assembled under their said banner "more liker to lond of warr than of peax and their assaulted the said servants and bete, wounded and hurt them," so that they were in jeopardy of their lives "to the worst example that hath been seen in that cuntrey, and to the comforte of other misruled people like offendyng onlesse due reformaçon be hadd for the punishment of the same."

Plaintiff prays for letters of Privy Seal to be directed to the said Robert Worseley.

JAMES HOLT AND ISABEL HIS WIFE AND OTHERS *versus* THE
KING AND HIS OFFICERS *re* RIGHT TO TOLL ON THE
MERSEY AND REPAIRS OF BRIDGE AT WARRINGTON.

To the Kyng our Sovereign Lord.

IN moste humble wise “complaynen and shewen” to your grace
your faithful subjects James Holte and Isabell his wife and
Custaunce Birom cousins and heirs of Hugh Boydell¹ that whereas
they and their ancestors have “oute of tyme of mynde” been
peaceably seised of the “weye” in Lecheford [Latchford] and the
“hees” of Lecheford [Latchford], together with the passage over
the water of “Mercy” [Mersey] between Runchorn and Thelwall,
in the county of Lancaster, with all the profits to the said way and
passage belonging, by reason whereof your said “besechours” and
their ancestors have been accustomed to take a certain toll, to
wit, of every man on horseback riding and passing the said way
and water one ob., of every horse laden one ob., or every cart or
wain “ladyng” 4d., for 20 “rether” beasts 4d., for 20 cows 4d.,
for 100 sheep 4d., “and so after the rate of ffewer or more catell
come,” for which toll your orators have been charged with the
maintaining and repairing of a bridge called Weryngton Bridge,
where the said passage is used.

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[circa 1504.]

Your orators have quietly enjoyed the said toll because no
person cattle or cart can pass that way except through the grounds
of your said besechours for their “gret ease spede and nexte wey”
in their journeys.

Now your besechours forbear the taking and profit by the
commandment of your grace’s honourable council to their great
loss and utter disinheritance unless your “most noble grace
moved with pitie, equite and justice be to them shewed.”

Plaintiffs pray for your gracious Letters missives to be
directed to the Justices at Lancaster to make search and

¹ This controversy began in 1497 when the Plaintiffs in this case were
summoned to appear at Chester. [See Annals of the Lords of Warrington,
Chet. Soc., LXXXVII., 367.]

inquisition there if your grace has any title to the said premises, and whether your besechours have taken the said toll by right or wrong.

*To the honerable and dyscrete the Kynges Justices
at Lancastr.*

H. 7. a. In full humble wise sheweth to your good lordships your oratours James Holte and Isabell his wife, and Constance Byrem, daughters and heirs of Gilbert Abraham, that whereas your orators and their ancestors "tyme that noe mannys mynde is to the contrary," have been seised of the passage over the water of "Marsey" [Mersey], running between Lancashire and Cheshire "anendes" the town of Weryngton "as well when a brigge hathe stonde in the seyde water" as when the said passage has been kept with boats, until now of late the said passage has been seised into the King's hands by reason of a *quo warranto* sued by the King against your orators at Lancaster in the 16th year of his Majesty's most noble reign.

The grant that the ancestors of your "besechours" have of the said passage was given to them by the Earl of Chester, then lord of the said passage, not only for the safe conduct of all manner of people that should "fortune to pass" over the said water, but also for the great ease they should have in passing over their several grounds from "anendes" the town of Weryngton to a place called Wyllers Pole, which is almost a mile in length, and so always when any *quo warranto* has been sued at Chester for any franchises or liberties your orators and their ancestors have made claim and title there for the same, and thereof have had allowance after the custom of the said shire.

In consideration whereof may it please your lordships to restore your orators to their said inheritance and to the profits thereof, or else to suffer them to "dyche" and enclose their said ground which people now "defowlys" by reason of the said passage, and also to cast down the attachments of the bridge that is set upon their freehold.

The title of James Holte and Isabell his wife, and Custaunce Byrom, widow, cousins and heirs of Isabell Boydell.

H. 7. b.

The said James, Isabell and Custaunce "seien" that the said Isabell and Custaunce and their ancestors have been seised of a passage over the water of Mersey, in the county of Cheshire, between the towns of Runkchorn [Runcorn] and Thelwall, and have peaceably enjoyed the same and taken the toll for passing over the said water and all other profits to them allowed in a *quo warranto* at Chester, and have never been interrupted therein until now of late that Sir Thomas Boteler, Knight, makes pretence and title to a part thereof, by reason whereof the said James, Isabell and Custaunce cannot enjoy their said inheritance.

RALPH PRESTWYCH *versus* JOHN CANNOCK AND OTHERS *re* RIOT,
ASSAULT, AND ROBBERY AT CURMESAL [CRUMPSALL],
MANCHESTER AND SALFORD.

To the Ryght Honerabyll and Worshypfull Maister, Sir Richard Emson, Knyght and Chauncellor¹ of the Duchie of Lancastre.

"SHEWETH unto yor gode Maistership" your daily orator Raiff Prestwyth, of the Parish^{*} of Manchester, in the county of Lancaster, gentleman, that "where he beyng in goddes pease and the Kynges" certain malicious persons, namely, John Cannok, of Salford, in the said county, butcher, Richard Cannok, of the same town, butcher, Roger Slake, of the same town, labourer, and Raiff Curtenall, of Manchester, labourer, upon the 7th day of March last past, with force and arms, in riotous manner came to a hamlet named Curmesall [Crumpsall], in the county of Lancaster, and then and there broke into and entered a house and close of your said suppliants and took away his goods, to wit, 3 pieces of linen cloth of the value of 34s., which said malicious act your suppliant "cold not remedy nor cause theym to sease therof oonles he shuld have foughten wyth theym and have broken the Kynges pease."

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[circa 1504.]

¹ See note 1, page 42.

And forasmuch as the said town of Salford is an old "borow towene and fraunchised" wherein certain of the said misdoers are dwelling, your said orator can have no remedy against them by the common law unless your good Mastership be shewn to him in that behalf.

Prays for Letters of Privy Seal to be directed to the said offenders.

THE MAYOR AND BAILIFFS OF LANCASTER *versus* SIR JOHN BOTHE, KNIGHT, DUCHY RECEIVER, *re* TOLLS, &c, OF WHERMORE [QUERMORE] COMMON.

*To the Right Honorable and Discrete Sir Richard Emson,¹
Knyght, Chaunceler of the Duchie of Lancaster.*

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IN full humble wise shew to your good Mastership the Mayor, Bailiffs, and Burgesses of the town of Lancaster, that whereas they and all their ancestors burgesses of the said town have, time out of mind, occupied all manner of liberties and franchises granted by the King's most noble progenitors "according to the citie of London, the townes of Brestoll [Bristol] and Northampton,² of whom the seid burgesses of the seid town of Lancaster ar graundet," as by divers charters granted to the said burgesses by his Majesty's progenitors more plainly appears: until now of late that divers persons as well "carriers and bagiers,"³ as merchants and strangers who daily resort to the said town refuse to pay any custom or toll, saying that your suppliants have nothing to shew for them of any effect.

And so it is, good Master, the said poor town pays yearly to the King and his officers 20 marks for the fee farm thereof, and

¹ Sir Richard Empson was appointed Chancellor, 3rd Oct., 21 Henry VII. [1505.]

² The Charter of Earl Moreton before he became King conferred on Lancaster the liberties enjoyed by Bristol, this was afterwards abrogated and the liberties of Northampton substituted, with certain free customs of London.

³ Badgers *i.e.*, Peddlers.

your suppliants have nothing from which to raise the said sum except the said customs and tolls, in consideration whereof and forasmuch as it pleased the King's Highness to direct a commission to Sir John Bothe, Knight, Receiver of the Duchy of Lancaster; Master John Clerk, one of the auditors of the same, and Sir James Molyneux "to improve his said Highness" of certain waste grounds within his said Duchy, and whereas amongst others the said Commissioners came to Lancaster to enclose in a certain pasture called Whermore, belonging to the said town, ground to the yearly value of £17 or £18, in return for which they should assign to the said town certain grounds which should be sufficient for them to hold in severalty for ever without interruption of any: and also whereas they promised to move his Majesty to grant your suppliants a confirmation of all their charters and liberties for their true and faithful service and good will, whereupon your said suppliants, willing the King's advantage, were content that a certain part of the said common should be enclosed as aforesaid: and forasmuch also as your suppliants have lately paid to the King 40 marks, to wit, for the 1st year of his reign 20 marks, and for the 17th year other 20 marks, because they could not shew sufficient acquittance in writing for the same: May it therefore please you in "wey of pitie and charitie" to move his Majesty to provide a remedy so that your suppliants may again take their tolls and customs as they have always been accustomed to do.

SIR EDWARD STANLEY, KNIGHT, *versus* ROBERT BOLTON AND
OTHER, *re* CLAIM OF TOLLS, CUSTOMS OF FAIR, AND COURT
LEET, AT BOLTON-LE-MOOR.

To the King our Sovereign Lorde.

"I N most humble wise sheweth unto your highnes your faithful servant, Sir Edward Stanley,¹ "oon of the Knyghtes for yor most honorable body," that whereas at your Sessions "in oyer" held at Lancaster, divers franchises and liberties were seised into

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S. 24.
Hen. VII.

¹ One of the leaders at the Battle of Flodden.

your hands, amongst them the keeping of markets and fairs and the taking of tolls and customs with view of frankpledge of the town of Bolton upon the Mores, and afterwards let to farm to your said subject by the Chancellor of your Duchy of Lancaster for a certain yearly farm as may appear by writings indented thereof made between your grace and your said subject : whereupon at the feast of St. Margaret last past your servant sent to a fair held at Bolton one Alexander Lever, Rauff Arrosmith, and Richard Edmonson, his servants, to receive the tolls and customs of the said fair and to keep your "lete Corte" there ; howbeit one Robert Bolton, of Little Bolton, the elder, gentleman, Robert Bolton, the younger, and Thomas Bolton, sons of the said Robert the elder, John Bradshagh, Elis Entwesill, and Richard Warde, of the said county, gentlemen, accompanied by 300 and more riotous persons "arrayed in maner of werre with billes, Glaiffes, Axes, Swerdes, Bucklers, and other habiliments of werre of great malice prepensed came in a great Route" to the said fair, and there assaulted the said Alexander Lever, Rauff Arrosmith, and Richard Edmonson "and them chased and droffe in to howses," so that if the Curate of Bolton had not been there and "brought the Blessed Sacrament upon hym" and stood between the said rioters and the said servants, the former would have taken the latter out of the houses and murdered them "oute of hand." The said rioters continued their unseemly behaviour for 6 hours and more, whereby your poor subjects at the fair were greatly "inquieted" and the said officers put in fear of their lives.

Moreover, the said Bolton and his adherents "spake seditious woordes" against your grace, saying that you should not assign such knaves to take any tolls there "to the most perilous example that hath ben seen for many yeres in those partes," by means whereof the tolls of the said fair were not taken, the Court leet was not held and your poor subjects lost their markets.

Prays his Majesty to direct his most "dradde" commandment to the said rioters to appear before his Chancellor "upon payn of great sommes of money."

JOHN STANDISH, DEPUTY KEEPER OF LANCASTER CASTLE,
versus JOHN LAWRENCE, *re* PRISON RIOT
 AND BREACH.

To the King our Souvereyne Lord.

“**I**N most humble wise complayneth to yor highnes your trewe
 Liegeman” John Standissh, deputy keeper of your gaol of
 Lancaster, that where he by virtue of his said Roume stands
 charged with the keeping of all the prisoners there, and for the
 same has found surety to his master in great sums of money: Now
 so it is gracious sovereign lord that John Lawrence, Esq., of the
 county of Lancaster, being displeased because Robert Pachett
 and James Crosgyll were committed to the said gaol for great
 offences done by them in your “Chaces and games” within your
 said county, and elsewhere, gathered together more than 300
 riotous persons in the Feast of the Nativity of St. John the Baptist
 last past, and with the said “Riotouse personnes walked in a
 garison and a gret Rowte within the towne of Lancastre from IX
 of the Clok of the said ffeast afore noone vnto V of the Clok at
 aftrenoone of the same day,” to the great fear of all your poor
 subjects who were assembled at a fair at Lancaster, intending to
 murder your poor subject. Moreover the said John Lawrence
 with great violence broke open the gates of the Castle of
 Lancaster and riotously entered the same, intending to set free
 the said Pachett and Crosgyll, but when he could not attain his
 “mischefavys” purpose by reason of the strong “durres of yrne”
 there, he sent divers of his said company to the dwelling house of
 your poor subject within the said town and to the houses of some
 of his friends and searched for the said prisoners, and failing to
 find them he “manasshed and threyted to sley and murther” your
 orator, so that he dare not go about his business and charges.

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 S. 16.
 Hen. VII.

Prays for Letters of Commission to be directed to certain
 persons of the county to enquire into the said riots.

JOHN RYDELL *versus* EDMUND REDMAYN AND OTHERS *re*
MURDER AT TUNSTALL AND CANTSFELD.

*To the King our Sovereigne lorde and to the Lordes of
his most honorabil Councelle.*

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R. 22.
Hen. VII.

LAMENTABLY and piteously shewith and complayneth unto your most noble and "habundaunt grace" your poor subject John Rydell, son of Thomas Rydell of Cansfeld, in the county of Lancaster, that whereas the said Thomas Rydell and his wife were slain and murdered by Edmond Redmayne, Bryan Redmayne, Pyers Redmanye, Thomas Smyth, and Thomas Balderson, "upon twoo yeres and more past, and the children of the said Thomas were put out of his dwelling house." So it is, your said grace has often heretofore directed your Letters of Privy Seal as well to the said Edmond, Bryan, Pyers, Thomas, and Thomas as to the sheriff of Lancaster and his deputy, and has thereby commanded "upon greate paynes and fforfaitures of greate sommes of money now forfaited unto your grace" the said sheriff to attach and put in gaol the said Edmond, Bryan, Pyers, Thomas, and Thomas, and to keep them there until your gracious pleasure be further known, but as yet your said commandment has not been observed. And now of late the said Edmond "of his malicious mynde" threatened and would have "strykken" one Anthony Lawpage "susters sonne of the said Thomas Rydell fader to youre said suppliante" without any cause given by the said Anthony: the which Edmond and his adherents are so evilly disposed towards the said John Rydell and the said Anthony and their kinsman, that they stand in fear and jeopardy of their lives unless your gracious help be given them.

Also suddenly and maliciously on the 19th day of June last past one Robert Redemayne, brother of the said Edmond, in the parish of Tunstal in the county of Lancaster, met Alexander Rydell . . . le to your suppliant and then and there without any occasion the said Robert and certain of his "affinitie" in fensiible (?) wise . . . upon the said Alexander "entendyng there utterly to have slayne" him, and soo they

had done if God and certeyn persones had not holpen him as
 . . . people that there aboute dwellith wol and can
 testyfy.

Prays for Letters of Privy Seal to be directed to some of the
 head officers of the said shire commanding them to take and put
 in gaol the bodies of the said Edmond, Bryan, Pyers, Robert,
 Thomas, and Thomas and their adherents, and to keep them there
 until your further pleasure is known.

EDWARD ASHTON *versus* SIR EDWARD TRAFFORD, KNIGHT,
re CLAIM OF WARDSHIP OF EDWARD ASHTON.

To the King our Sovereign Lord.

EDWARD Asshton, Clerk, Perys Asshton, Sethe Asshton and
 William Asshton shew that whereas Sir John Trafford,
 Knight, deceased, was seised the ward of the body and lands of
 Edmond Asshton, cousin and heir of Edmond Asshton, that is to
 say, son . . . of John Asshton, son and heir of the said Edmond
 Asshton,¹ of your County Palatine of Lancaster, and sold the said
 ward to plaintiffs for the sum of £46 13s. 4d., whereof 10 marks
 were paid to the said Sir John Trafford in his life time,² and the
 residue to Sir Edmond Trafford, his son and heir: Now of late it
 has been found by Office before your Escheator that the aforesaid
 Edmond Asshton held certain lands and tenements in the said
 county of your Grace by Knight's service, and that he died there-
 of seised; after whose death the said premises descended to the
 said Edmond as his cousin and heir. By reason of the said Office
 your noble Council demand of plaintiff all the issues and profits
 of the said premises to their utter undoing, as they have paid the
 said sum of £46 13s. 4d.

Vol. i., N. D.
 A. 11.
 Hen. VII.

Pray for Writ of Privy Seal against the said Sir Edmond
 Trafford commanding him to return the said money to plaintiffs.

¹ Edmund Ashton, of Chadderton.

² Sir John Trafford died in 1488, he married Elizabeth, daughter of Sir Thomas
 Ashton, of Ashton-under-Lyne. Edmond, his son and heir, died *circa* 1533.

THE TENANTS OF BLESÉDALE CHACE, *versus* SIR JOHN BOTHE,
KNIGHT, THE KING'S RECEIVER, *re* DISTRESS
OF CATTLE ON BLESÉDALE CHASE.

*Unto the Ryght Honorabull and Worshyppfull Knyght, Master
Empson, Chauncelar of the Dowche Chamber and
oone of the Kyngg's Councell, etc.*

Vol. i.
B. 8.
Hen. VII.
[circa 1505.]

HUMBLY Shoyth and peteously Complayneth your "powr Oratryces and Subgettis and daily Bedwomen" Jenett Besesly, Elyn Parkynson, Margere Parkynson, Alice Parkynson, and Elizabeth Threllfall, widows, being the King's poor tenants of his Chace of Blesedale, in the county of Lancaster, that whereas they and their husbands, now dead, and their ancestors before them have continually been tenants to "hys goode and gracijs Highnes" and his progenitors of his pastures lying in the said Chace "sens the tyme of no Mynd had" and have paid the rents and dueties to his officers there: Now of late, one Sir John Bothe, Knight,¹ receiver to his "nobull grace" there constrains the said poor widows to pay yearly for the said land more money than they have been accustomed to pay, and has distrained all the "Cattell" that your poor widows have, and wrongfully withholds the same.

Plaintiff cannot pay the said dueties and answer their yearly farms as well, as they are very poor widows and live 10 miles from their Parish Church and are besides of great age.

They, therefore, pray that commandment may be sent to the said Sir John Bothe to return to plaintiffs their goods, and to allow them to occupy the said lands again, paying for the same as they and their husbands were accustomed to do: "thys to be don by yor seyd Mastershepe for the love of God and in the way of charyte."

¹ Sir John Booth, of Barton, was slain at Flodden, 9th September, 1513.

Pleadings and Depositions

in the

Duchy Court of Lancaster.

TIME OF HENRY VIII.

In the Records known as “The Decrees and Orders” are preserved some of the decisions in the cases brought before the Court. These have been examined and extracts of such as have been found to refer to the Pleadings now printed are added. The number is, however, very small, and none of them refer to the time of Henry VII.

SIR GEEFFREY GRYMESDICH, KNIGHT, *versus* SIR JOHN BRERETON,
KNIGHT, JOAN HIS WIFE, AND SIR RICHARD PENKETHMON,
KNIGHT, *re* TITLE TO LANDS BELONGING TO
CHANTRY IN ECCLES CHURCH.

SIR Geoffrey Grymsdyche, priest, complains that where one Sir Geoffrey [Mascy] of Workesley, in the county of Lancaster, Knight, was seised of certain lands, burgages, rents and services in Wygan, in the county of Lancaster—Callow, Adelym (?) and Hietford (?) in co. . . . of the yearly value of 20 (?)

Vol. xvii., N. D.
[Calendar I,
N. D.]¹
G. 4.
2 Hen. VIII.²
[1510-11.]
(Some of the
first part of
this document
is torn away.)

¹ For convenience of reference the numbering of these Records has been altered at the Record Office, so that the numbers in the printed calendar are no longer correct.

² Although set down as without date, in some instances the dates have been discovered.

marks, in his demesne-as of fee, and so seised by deed dated day of September, 32 Henry VI. [1453-54], one John Gartsyde, chaplain, Hugh Mascy and John Mascy, sons of the said Sir Geoffry, Rauff Langley, parson of Prestwyche, and Robert Orrell: to hold the said premises to them and their heirs for ever, to the intent that they should perform the said last of the said Sir Geoffrey Mascy. Afterwards, to wit, on the 20th day of September, in the said 32nd year, Henry VI. [1453-54], the said Sir Geoffry made his last Will, whereby he desired that his said feoffees should give all the said premises to the said Geoffry for his life, with remainder successively to the said Hugh Mascy for his life, to Nicholas Mascy, son and heir of the said Hugh, for his life, to the said Robert Orrell for life, William Mascey for life, to Geoffry Mascy, son of the Mascey, and to his heirs, male; for default, to the said Nicholas and his heirs, male, with divers remainders over, to the intent that they should find a priest to say mass and do other divine service yearly in the Chapel of the Trinity in Eccles. "After the decease of the said Geoffrey Mascy the feoffor, the said Hugh, Robert Orrell, William Mascey, and Geoffrey, son and heir of the said William, without heir male of his body, the said Nicholas," after the death of John Rayneforde, clerk, appointed the said Geoffry Grymesdiche, clerk, to say mass and divine service there. In the said Will it was declared that such priest so appointed should have yearly for his salary roos., to be taken out of the said premises, by force whereof plaintiff went to the tenants there and demanded the rents and profits thereof, according to the said Will, but plaintiff then was and ever since has been lytlyd and distorbyd in taking the said rents by Sir John Brereton, Knight, and Dame Jane his wife, and Sir Richard Penkethom, priest, by the great might of the said Sir John, takes all the profits of the said premises, to plaintiff's utter undoing.

As plaintiff is of extreem poverty he cannot sue at the common law and therefore prays for Letters of Subpena.

G. 4. a.

The answer of Sir John Brereton, Knight, and Dame Jane his wife.

Defendants say that the said Sir Geoffrey Mascy, by his Will, ordered that all the said premises should be amortised to a chantry in the said Chapel, of which he and his heirs should be patrons, and for default, that the said Nicholas Mascy and his heirs should be patrons thereof. If the said premises were not so amortised then they should be given to Hugh Mascy and his heirs to find a priest in the said Chapel, on condition that if he die without issue, male, or if he or they fail to find such priest, that then the said estate to cease, and the said premises to remain to John Mascy in form aforesaid. No part of the said lands have been so amortised, nor has any such estate of entail been made to the said Hugh Mascy, wherefore the said Sir John Brereton, and the said Dame Jane, in right of the said Dame Jane who is cousin and right heir to the said Sir Geoffrey Mascy, entered the said premises about five years ago, and ever since, of their good and godly disposition, have found a priest according to the said Will.

(G. 4. b. Writ
dated at Lanc.
16th Nov.,
2 Hen. VIII.)
[1510.]

The said Sir John Brereton and Dame Jane have put in their place Will Heydon against Geffrey Grymysdich.

JENET SHEPPARD, LATE WIFE OF RICHARD SHEPPARD, *versus*
NICHOLAS HOUGHTON [? HITON], *re* ILLEGAL SEIZURE
OF GOODS AND CHATTELS AT BLACKROD, &C.

Writ dated 23rd June, 3 Henry VIII. [1511].

To the King our Sovereign Lord.

JENET Shepard, late the wife of Richard Shepard, late of Blakrod, in the parish of Bolton on the Moors, within the county palatine of Lancaster, complains that where Nicholas Hoyton, gentleman, Thomas Almon, Henry Rogerson, smith, Alexander Vause, Christopher Esko, of Blackrod, and Henry Whalley, of Standysh, with force and arms, on Candlemas even "was iij yere," came to plaintiff's house and there beat her, put her and her children out of her house and carried away all her

Vol. ix.
[Calendar 4.]
3 Hen. VIII.
[1511-12.]
S. 4. a.

goods and chattels, to the value of £30 and more; moreover, "causeles but of theyre malyce" imprisoned her, and so impoverished her, that she was compelled to beg. Plaintiff then applied to Henry Faryngdon, Esq., justice of peace within the said county, for a supersedeas, and also sued by petition to the late King for remedy, who caused letters missives to be directed to the said Henry Faryngdon, and to Richard Thurstan and Richard Worthyngton; but the said Faringdon utterly disregarded the said commandment, and not only took from her the said supersedeas, but also sent her to prison again with the help of Raufe Standysh, Esq. And whereas his Majesty has lately directed his letters to Lord Derby and Lawrence Starky, Esq., to redress the said injuries, or else to prefix the said parties a day to appear at Westminster, in the "moyce" of Easter last past, which the said wrong doers would not suffer. Plaintiff prays for restitution for the great wrongs she has suffered.

S. 4. b.

The answer of Nicholas Hiton, &c., &c.

Defendants say that they did not go to plaintiff's house in a malicious way. She was tenant to the said Nicholas, and in trouble with the said Thomas Almon, having pulled up his "qwik wode hegges" by night and burnt them. He, Thomas, fearing that she would set the house on fire one night, "gate" a warrant for the peace, and caused the said Alexander and Christopher, then constables for the town of Blakerode, to serve the said warrant, which they did quietly, and brought the said Jenet to the gaol at Lancaster. When her brothers, who were men of good substance, heard of her misdemeanour, knowing that her children were under age and innocent, came to her said house, and there in the presence of divers honest people, received all her goods and put them in safety for her. Part of these goods she has received again and the others are ready to be delivered to her. Afterwards her brothers, seeing that she would not be ruled by reason, had her put back into prison in case they should forfeit their bond. She would never have been put out of her house had she behaved properly.

Thes ben the pcell of goods which Jōhet Shepd., widowe, had at such tyme as she was enpisoned and wer put in savety as it is deposed by nieghburs.

S. 4. c.

In pimis v brasse pottes, iij pannes, iij prigges, iiij pewt^r. disshes, vj pewt^r. char^{ls}, iiij saw^{ls}, xxij haspis of lynne yerne, iij sevis, a cherne, iij stondes, v ale pottes, iij chesefattes, v arkes, v colockes,¹ iij basyns, a masshyng coumbe,² an ax, a hachill, iiij cowlottes, vj blankettes, a remelant of qwhite cloth, xj shettes, a twilshete, vj quyssions, a mete cloth, a towell, a gowne, a kirtill, iij naprons, vj sekkes of corne w^t. vnwyndowed corne, a flich and mor of bacon, iiij kye, ij calves, a swyne, a candelstick, a salt seler, iij bordes, a cher, ij stolys, a grete stepyng tubbe, a chymny w^t. a cirowe (?) to it, a pair of tonges, a cresset, a settill, a chese and sūme of oon [one], a stone trogh, iiij capons, iij hennes and cok, iij sikilles.

We, having received your Highness' most dread commandment, called the parties before us at Liverpool, 12th August, in the third year of your reign [1511], upon which day the plaintiff and all the defendants appeared and answered as follows:

S. 4. d.

John Vawse the elder, aged 60 years, deposes that the said Jenet was put out of her house because she was in trouble with her neighbours. William Brodehurste and others took her said goods into their hands while she was in prison. The said Jenet lived in a cottage with about 3½ acres of land belonging thereto.

John Shaw, aged 70 years, and Olyver Brown, aged 46 years, deposes as above.

We, the said Earl and Laurence Starky, have also called before us William Brodehurste and Thomas Brodehurst, priest, brothers to plaintiff, who deposed as above.

Derby

¹ A collock is a large pail.

² A brewing vat.

HENRY AINESWORTH *versus* RICHARD WALLYS [WALLS],
re TITLE TO MESSAGE, &c., IN PRESTON.

*To the Right Honorable Sir Henry Marney, Knyght,
 Chancellor of the Duchy of Lancaster.*

Vol. vii.
 [Calendar 1.]
 A. 2.
 6 Hen. VIII.
 [1514-15.]

HENRY Aynesworthe, son and heir of Richard Aynesworthe, of Preston, in Amoundernes, in the county palatine of Lancashire, complains that where his said father and his ancestors before him by a long season, have been seised of 3 messes, 5 acres of land, 6 acres of meadow and other hereditaments, within the town and parish of Preston, of the yearly value of 6 marks, of an estate of inheritance as well by reason of tallies as otherwise. After the death of the said Richard, plaintiff entered into the said premises and quietly enjoyed the same for four years, until Sir William Wallys, parson of Eccleston, deceased, Richard Wallys, his brother, William Wallys and Van Wallys, sons of the said Richard, together with forty other "mysruled" persons, with force and arms, entered the said premises, he being then under age, and took away all the evidences belonging to plaintiff's inheritance.

Prays that a writ of subpoena may be addressed to the said Richard, William and Van Wallys, commanding them personally to appear before the King in his Duchy Chamber.

A. 2. a. The answer of William and Van [Evan] Wallys.

Defendants say that Margaret Curydell and Grace Curedell were very owners of the said premises, which they sold to Lord Mountegle and William Wallys, clerk, and their heirs, for a sum of money. Lord Mountegle took one moiety of the said premises by "metys and boundes," and the said William Wallys was seised of the other moiety in his demesne as of fee, and took the profits thereof so seised; the said plaintiff released to the said William all his right in the said moiety, after whose decease the said moiety descended to the said Wallys, named in the said bill as his brother and heir, by force whereof he is still thereof seised in his demesne as of fee, without that that the said Richard Aynesworth, &c., &c.

The replication of Henry Aynesworth.

A. 2. b.

Plaintiff further says that Roger Wyche was seised of the said premises in his demesne as of fee, and so seised gave the same to Margaret Wiche his wife, grandmother of the said Henry, whose heir he is, to hold to her and her heirs for ever. After the death of the said Roger the said Margaret married Laurans Aynesworthe, and by him had issue Richard Aynesworth, who after her death entered into the said premises as her son and heir, and was seised of the same for forty years and died thereof seised. After his death the said meases, &c., descended to plaintiff as son and heir of the said Richard, who with his mother Elizabeth, occupied the same for four years until he was disseised by the said Sir William Wallis and others, without that that the said Margaret and Grace Curydale, &c., &c.

The rejoinder of William and Van [Evan] Wallys.

A. 2. c.

If any such feoffment were made by the said Roger Wych to the said Margaret his wife, the same was clearly void, as they were already married when it was made.

Writ dated 22nd February, 6 Henry VIII. [1515].

This is the certificate of us, Sir Henry Kyghley, Knight, Henry Faryngton, Esq., and Richard Hesketh, made upon the King's Commission concerning the matter in variance between Henry Aynesworth of the one part, and Richard Wallys, William Wallis and Ewan Wallys of the other part, "because we couth sett no ende between the seides partyes accordyng to the effect of the seid Comysson."

A. 2. d.

A. 2. e.

We did meet at Preston in Amoundernes in the county of Lancaster, 7th September, 7 Henry VIII. [1515], and called the said parties before us, and enquired of the said complaint by the examination of witnesses as follows:

Robert Coventr' of Preston, draper, aged 54 years and above, says that seven or eight years ago he was Mayor of Preston, and in the summer season Sir William Wall and Edward Parker, and other servants of Lord Mountegle at Preston, moved deponent to go with them, when they took possession of the lands then in

Independent witnesses.

variance between Lord Mountegle, Henry Aynesworth, and Sir William Wall; so they went to the house of Adam Skylicorne in Preston, parcel of the premises, and deponent perceiving the trouble would arise, took the said Henry Aynesworth and others, and also the said Sir William Walle and others, to the mote hall in Preston, and there took surety of both parties for the King's peace. Deponent knows nothing about the sealing and delivering of the releases said to be made by the said Aynesworth. Richard Aynesworth during his life, and after his decease Elizabeth his wife occupied the said premises, by what title witness does not know.

Nicholas Mason of Preston, aged 60 years and more [nothing fresh].

On the part
of the said
Aynesworth.

William Eves of Fishwyk, husbandman, aged 50 years and more, was not present at the taking of possession of the said house, but afterwards, at the desire of Sir William Walle, deponent and many of his neighbours at Fishwick, went to the lands in variance with their ploughs and helped to plough and occupy the said ground, parcel of the said tenements, and in hay time helped to "lede" away the hay.

Rauff Sudell of Preston, late of Fishwick, "Mylner," aged 36 years and more, went with others to plough on the said lands, and the said Henry Aynesworth, his mother, two sisters and two . . . [torn away], pelted the ploughs with stones and clods in order to drive them away.

William Lussell of Preston, husbandman, aged 50 years and more, was at Adam Skylicorne's house, and he there saw Hugh Parker and others of Sir William Wallys' servants, and about thirty other persons with them, with their swords and daggers drawn. Deponent says there would have been trouble there had not Robert Coventr', the Mayor, taken some of them off to the mote hall.

A. 2. f.

On behalf of
Ric. Wm. and
Ewan Wallles.

Hugh Parker, aged 50 years and above, took possession for his master, the said Sir William Walle, at the house of the said Skylicorne. Before that, deponent was present at Eccleston, at

the parsonage there, when before the said Sir William, Thomas Bretherton, Adam Skylicorne, deponent and his mother and many others, the said Henry Aynesworth sealed a deed of release to the said Sir William Walle, of all the said lands and tenements in variance. Grace Kewdale and Margaret Keverdale were then called the heirs of the said lands, nevertheless Ric. Aynesworth, and after his death his wife Margaret, occupied the same until Rauff Arosmyth for Lord Mountegle, and deponent for the said Sir William, entered the same. Afterwards, by the means of Sir William Leylond, Knight, and the said Thomas Bretherton, the said Adam Skylicorne and his wife, mother of the said Henry Aynesworth, occupied the said premises as tenants to the said Lord Mountegle and Sir William Walle.

Rauff Jelybronde of Preston, aged 68 years and more, was at the said taking possession, and "see the seid Henr. Aynesworth and hys moder and systers then and ther wepe."

William Walton of Walton in the Dale, aged 23 years and more, wrote both the said deeds of release and saw Henry Aynesworth seal them and sign them with his own hand. Two pots of ale were then "dronken," the said Aynesworth and his party paying for one, and the said servants of Sir William Walles and Lord Mountegle for the other.

Depositions taken 1st October, 17 Henry VIII. [1525].

John Cowell, aged 64 years, deposes that Hugh Parker and Rauff Arosmyth took possession peaceably and without force, with the consent of the said Hen. Aynesworth.

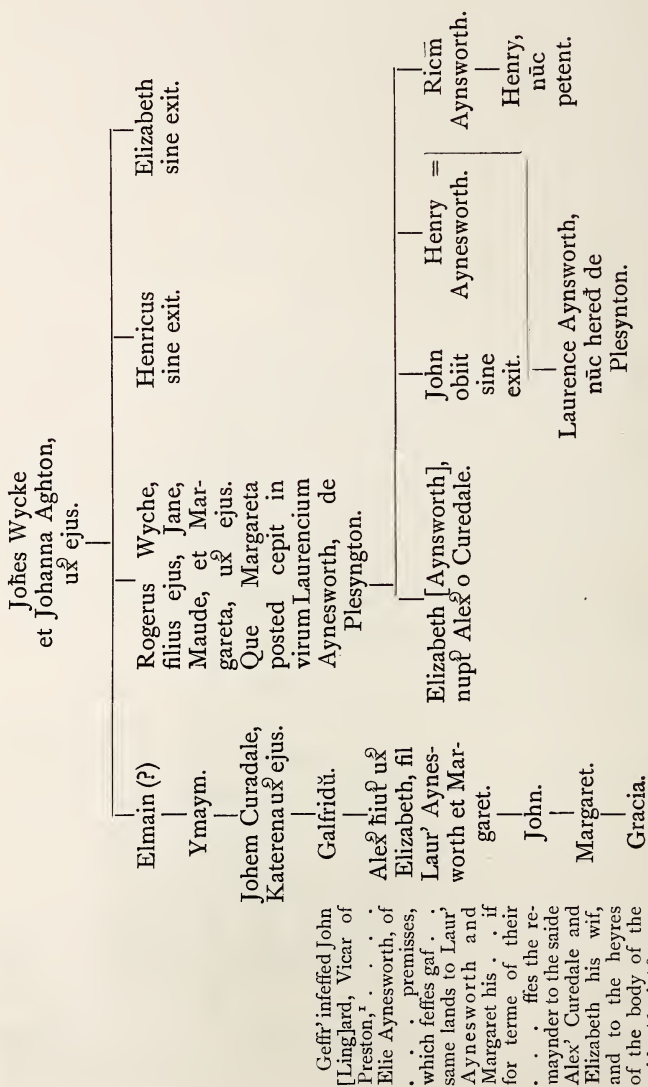
Richard Thorneton, aged 72 years, deposes the same.

Laurens Banastr', aged 60 years, deposes the same.

For the title of the said lands and tenements the said defendants left this pedegre and abstract with us your Commissioners.

Rog^d gaf all his landes in Preston, and . . . Lee to
William Lancaster and Ric' Walton . . . in fee, which

feoffes gef landes . . . to the said Rog^d and Margaret his
 . . . and to the heyres of the body of the . . . Rog^d
 A^o. primo H. quinti. [1413-14.]



M^d. that the iij^p yere of E iiiijth [1463-4], Laurenc Aynesworth made a féffement to Wylliam Syngleton and John Hurdeson, prestes of all his landes, in Walton, Penwurtham and Preston, qwhich he hade of the ffeff^t. of Alex^d Curedall, to thenent and use foloyng. Of all the lands in Penwurtham and Walton to thuse of John, the son of Alex^r. and Agnes, the doghter of Nichol^r Syngleton, and to the heires of their ij bodyes, and all the landes in Preston, to thuse of the said Lauren^d for terme of his lif, and aff^r his decesse of landes of the yerely valeu of viij markes to thuse of Rich. Aynesworthe, his yongeste son, for terme of his life, the rever^d of all the said landes to thuse of the said John Curedale and Agnes, and to the heires of their ij bodyes, the remaynd to the right heires of the said John Curedale as by the same feffet^t. and will therupon apperith.

SIR RICHARD BOLD *versus* THOMAS GREEN AND OTHERS,
re TITLE TO HOUSES AND LANDS AT COPT HOLT.

(INTERROGATORIES ONLY.)

ffIRSTE, if the grounde called Copt Holt was plowed or in
“tillage” sith the tyme of mynde or noo?

Item. Yf ther war any howses billded oppon the same
grounde wherin eny person dyd inhabyte and dwell before the
howses that Sir Richarde Bold dyd layly make or not?

Item. Howe many howses ben mayd oppon the same grounde
by the said Sir Richarde, or by other persons by his comaunde-
ment?

Item. What tyme that the said howses war sette and reared
oppo the same grounde, and in how longe tyme they ware in
rearyng?

Item. Howe many persons war at the rearyng or setting oppe
of theym, &c.

Item. Whether any of thes persons whiche were at the
rearyng of enny of the same howses wher then in harnes or not?

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B. 5.
5 Hen. VIII.
[1513-14.]

Item. If any person or persons had enny harnes by the said Sir Richarde's deliv'ye or by his comaundement whiche shuld dwell in the same howses, or in any of theym?

Item. Howe many acres the said Sir Richarde hath inclosed of the said grounde, and how longe it is sithe he beganne to inclose the said grounde?

Item. If he maid any inclosyer of the said grounde sithe the laste Sessyons holden at Lancaster or not, and of howe muche?

Item. Whether that the said Sir Richarde dyde comaunde enny person or warned that any of the said howses shuld be brynde aft^r y^t they were byldyd or not?

Item. How many persons he comaundyd to kepe the said howses aft^r y^t they were bylded, and whether they wer kept by force of armes and strynght of men or not?

Item. How many pasturs and inclosures the seyde Sir Richarde hath maide oppon the seyde Copt Holt w^t yn the space of ij yeres.

Item. Whether the howsys bylded oppon the Copt Holt byn or have byn keptyd wyth force or Riottes or nott, and sette oppe and rearyd yn Ryottose manner or nott, and how longe tyme they were yn rearyng?

Item. Whether one John Glou' and John Williamson w^t other dyvers rytose persons wyth them kepe or have keptyd the seyde howyes w^t force and Riotte or nott.

Item. How many persons have byn together upon a day in Ryottose manner by the comaundement of Sir Richard Bolde to dyche and to make ij mottes or pooles and great modwalles about y^e ij new howses lately bylded by y^e seyde Sir Richarde upon the Copt Holt yn ryttose manner?

Item. Whether the seyde Sir Richarde was indicted affore the Kyng's Justice at Lancaster for the seyde Riottes and unlawfull inclosures or nott.

Item. Whether Thomas Grene was nott dryven and chasyd from dyvers howsys by the servantes and tenantes of the seyde Sir Richarde Bold upon Seynt Jamy's Day last past or nott in Ryotes manner.

THOMAS BOTELER *versus* SIR THOMAS GERRARD, KNIGHT,
AND OTHERS, *re* ASSAULT AT A COCKFIGHT, AT
WINWICK, BEWSEY, AND ASHTON EDGE.

To the Right Honourable Sir Henry Marney, Knight.

THOMAS Boteler, Esq., complains that where he was in God's and the King's peace at Wynwhik [Winwick], in the county of Lancaster, the Saturday in Easter week last past, 6 Henry VIII. [1514], accompanied by divers gentlemen and others at a cockfight there, before that time appointed between them "after the manner of the country there used:" So it is, that Hugh Hyndley, gentleman, Robert Gerrard, gentleman, Edmund Gerrard, gentleman, Thomas Stanley, gentleman, William Leche, yeoman, Humfrey Birchall, yeoman, and many other riotous persons, to plaintiff unknown, numbering about 80, arrayed in manner of war, with force and arms, assembled at Wynwhik [Winwick], within a quarter of a mile from the place where the cockfight was to be, in the highway between the said place and the dwelling house of plaintiff, and there lay in wait for plaintiff, intending to murder him. Sir John Southworth, Knight, seeing the cruelty of the said Sir Thomas Gerrard and his adherents, and that great mischief might arise from his behaviour, advised him to desist as he well knew that no good cause had been given him by the plaintiff. But the said Sir Thomas would not listen, and told his adherents to behave like men and he would never fail them, and ordered them to make sure of plaintiff. He then asked the said Sir John to assist him, but this he positively refused to do. They then assaulted plaintiff, and took Nicholas Stokton and Thomas Dichefield, who were with him (plaintiff), beat them and then imprisoned them; they also shot an arrow at one of plaintiff's

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B. 4.
7 Hen. viii.
[1515-16.]

company and sore hurt. Thurstan Clare, another of them, and would probably have slain them all if the said Sir John Southworth and others had not interfered to stop the said riot. When the assembly saw that they were stopped they openly said that they were "accursed" that they had not set upon plaintiff at the very beginning when they were "big" enough to have "don their willys."

Prays that Letters of Privy Seal may be directed against the said Sir Thomas Gerrard and others, commanding them to answer the premisses.

B. 4. a.

The answer of Sir Thomas Gerrard, Knight.

Defendant says that upon certain variances between himself and James Gerrard, his uncle, before Master Dean, of the King's Chapel, and others of the King's Council, the said Dean and Council ordered Perys Lee and John Southworth, Knights, to examine the said differences, whereupon the said Sir Piers and Sir John Southworth appointed defendant and the said James Gerrard, his uncle, to come before them at Wynwyk [Winwick], the said Saturday in Easter week last, for the examination of the premisses : upon which day defendant, accompanied by his household servants to the number of 17, came in a peaceable manner to Wynwyk [Winwick] according to his appointment, but Thurstan Clare, plaintiff's servant, shot an arrow at them, putting them in fear of their lives, so if he was hurt it was at his own seeking and merely done in self-defence.

B. 4. b.

Sir Thomas Gerard, Knight, complains that upon variance depending between him and James Gerard, his uncle [as above in his answer], he came to Wynwyk [Winwick], on the said Saturday : And so it is that Thomas Butler, Esq., son and heir apparent of Sir Thomas Butler, Knight, and Sir Richard Bold, Knight, at the procurement of the said Sir Thomas Butler, for certain disputes arising between plaintiff and the said Sir Thomas, perceiving plaintiff at Wynwyk [Winwick], on the said day, unlawfully assembled 200 persons, many of them in harness and riotously assaulted plaintiff, and put him and his servants in peril of their

lives, had not Sir John Southworth and Gilbert Gresse, a servant of Lord Mount Egles [Monteagle], pacified the said Thomas Butler and Richard Bold.

Prays that as the said Thomas Butler is present he may be called upon to answer the premisses, and that a Privy Seal may be directed to the said Richard Bold.

The answer of Thomas Boteler, Esq.

B. 4. c.

The said Thomas says, that past, he, Sir Richard Bold, Knight, and others being together at Manchester . . . , . Bishop¹ of Elye [Ely] appointed to meet at Wynwhik [Winwick] the following Saturday to see their cocks fight, as was customary there every Saturday. Accordingly, not knowing that the said Sir Thomas Gerrard was going to the said town that day, they met at the cockfight, about 10 o'clock, the said Thomas Boteler having with him about 12 persons, and some children who carried the cocks, the said Richard Bold about the same number, and other gentlemen, servants, and children, amounting altogether to about 50 persons: they sat about their "gamyn in the said cokfeight place by the space of ij howrys." The said Sir Thomas Gerrard intending to murder the said Thomas came to the place, cast off his shoes, and bad his servants acquit themselves well, and refused to listen to Sir John Southworth who tried to make peace. The said Thomas Boteler then sent 2 honest priests to the said Sir Thomas to know why he had come, but he would not answer them. In this "meane season," which lasted 2 or 3 hours, a friend of defendant's (Thomas Boteler) sent to Dame Margaret Boteler, his mother, who was then at Bewsey, about 2 miles away, and told her of the cruel purpose of the said Sir Thomas Gerrard. Sir Thomas Boteler, Knight, defendant's father, was then lying ill in bed, and Sir Perys Legh, Knight, was sitting with him, where-upon the said Dame Margaret sent her husband's servants to help her said son, and then other friends sent help, and about 3 in the afternoon the said Sir John Southworth and others managed to restore peace.

¹ This was James Stanley, brother to the Earl of Derby.

B. 4. f. Commission dated 10th July, 7 Hen. VIII. [1515], directed to Humphrey Conyngesby, Bryan Palmes, Justices of Assize, the abbot of Norton, Sir Henry Hallsall, Sir Piers Legh, Knights, Richard Hesketh, Attorney at Lancaster, James Worseley, Escheator at Lancaster, John Pulleyn, vi[ce] Chancellor there, and Sir Thomas Grymesdyche, one of the Barons of the Exchequer at Lancaster.

B. 4. g. DEPOSITIONS OF WITNESSES EXAMINED.

Articles proving the riot against Sir Thomas Gerrard.

The Assembly Roger Herdman deposes that Thomas Torbok told him at Assheton, that all the said town was warned to be with the said Sir Thomas Gerrard, the Saturday in Easter week in their "clene geer" at a cockfight.

William Southeworth deposes that he heard the son of Thomas Sedden say that he had been in Assheton Egge [Ashton Edge] to warn the tenants of Sir Thomas Gerrard to be at Wynweke [Winwick] with their cocks the said day.

William Cartwright deposes that Laurence Cartwright, tenant to Hugh Hyndley servant to Sir Thomas Gerrard, told him that his master intended to be at the said cockfight.

The number and weapons.	Sir John Southeworth,	} 17 of his household servants at the first coming with staves, 2 bows, and swords.
	Peiris Kyghley,	
	Roger Herdman,	} lx. and above.
	Rauff Kyghley,	
	James Carre,	
	John Newport,	
	Thomas Haghton,	

Cause of Assembly. Sir John Southeworth does not know why the said Sir Thomas came to Wynwek [Winwick].

James Gerrard says there was no matter appointed for his cause that day.

Roger Herdman,	} prove that warning was given for a cockfight.
Wm. Southeworth,	
Wm. Cartwright,	

Sir Thomas Gerrard says that when he saw 100 persons of Thomas Boteler's company in the street he came out of Hacche's house and stopped in the street two hours with his men.

Why Sir Thos. came out of Hacche's.

Sir John Southworth says that there were not of the said Thomas Boteler's company in the street, because they were all still at the cockfight. Peiris Kyghley says the same, and so proves perjury in the said Gerrard.

Perjury proved

James Towres says he saw 80 persons in the street, and heard a voice among them saying, "on theym, on theym." The said Sir John Southworth told the said Sir Thomas he was sorry he wouldn't be ruled by him, and bad him "take his pleasure," and departed towards the churchyard. The said Sir Thomas with 50 others went to the lane end with[in] an arrow shot of the said cockfight.

Demeanor of Sir T. Gerrard crying, "on theym, on theym."

Thomas Haghton deposes that somebody in Sir Thomas Gerrard's company said he wouldn't be taken up that day, but does not know whether it was Sir Thomas himself.

One of the said company shot an arrow at deponent and bad him take his master tidings.

James Carre says the said Sir Thomas would have gone down the lane towards the cockfight, but was stopped by the said Sir John.

John Southeworth says the same.

Roger Herdman says that Sir Thomas and his company came 12 "rodís" from Hacche's house towards the cockfight.

Thomas Haghton says they (Sir Thomas's company) bound their hats to their heads with garters. Sir Thomas confesses the same, and says that they prepared themselves as if they would have "foughten."

Rauf Kyghley, gentleman, says that in the churchyard Sir Thomas said "if we fortune to goe togedder whyte you like men this day and I shall never faile you."

Sir Thomas bade Sir John take no notice of anything he said as he was sore vexed and troubled.

The said Sir Thomas had no shoes on his feet.

The said Sir Thomas said his shoes were trodden off his feet.

Sir John Southworth and Peiris Kyghley affirm the same.

Roger Herdman says that men and women of Wynwyk [Winwick] cried out to Thomas Boteler, in the cockfight, to rise and save himself.

Sir Thomas Gerrard confesses that William, of the stable, one of his servants, struck Thurstan Clare with a staff whereby the peace was broken. The said Thurstan says he was struck as he was going to rescue Thomas Boteler. Nicholas Stokton and Thomas Dichefeld were also violently treated.

It was 4 o'clock in the afternoon before quiet was restored.

Gilbert Gresse deposes that he heard it said at Waryngton that they of the town had word by travelling men that Sir Thomas Gerrard intended to murder Thomas Boteler, at Wynwyk [Winwick], with a great company of men, and they were going thither to rescue him.

Thomas Boteler sent 2 priests to Sir Thomas to ask why he had come, and to offer him half the cockfight place.

This Sir Thomas confesses, and adds, that the priests said he should have the best game that the said Thomas Boteler could make him.

DECREES AND ORDERS, HENRY VIII. BOOK 5. 64.

Trinity Term,
7 Hen. VIII. Sir Thomas Gerrard, Knight, Robert Worseley, the younger, Hugh Hyndley, and Robert Gerard, gentlemen, had a Privy Seal to appear in the XV. of the Holy Trinitie in this term, to answer to certain riots, &c. At which day they appered, and have injunction to geve attendance from day to day, and not to depart without licence of the Councell upon payne of C Li.

The said Sir Thomas Gerrard hath made answer to the complaint of Thomas Butler, squier, for a riot in Lancashire, and hath put in a bill of complaint against the said Thomas Butler for a riot the saidd tyme upon him, &c., whereunto the said Butler hath made answer. Whereupon certeyn witnes hath been brought yn by either parties and have ben examyned and for fferther proffe therein it is ordered y^t a commyssion shall be direct to the Justices of assise at Lancaster, and other to examyn ther witnes such as they wol bring to theym for proffe of the saied Riottes, &c. And the said Comysshoners to certifie what the result in the Duchie Chamber, in the tres^e of Saint Mighell next. And the saied parties be bound by recognisaunce in the Channserie at Lancaster, in V^c Li to apper in the Duchie Chamber at Westm, in the saied tres^e of Saint Mighell; And also in the meane tyme to kepe the Kinge's peace, &c.

THOMAS CLYFF *versus* ROBERT SMALLEY AND OTHERS, *re* CHARGE OF RAPE AND ABDUCTION AT ASHTON-UNDER-LYNE.

"To the Ryght Honorable Sir Henry Marney, Knyght, Chauncellor off the Duchie of Lancaster."

IN the most lamentabull wyse shewyth unto "your Mastyshyp" your orator Thomas Clyff, of Balderston, in the county of Lancaster, yeoman, that whereas your said orator, his wife, children, and servants on the 20th day of September, 8 Henry VIII., [1516,] in "Godys peas and the Kynges" in his house and mansion place at Balderston, Robert Smalley, Roger Smalley, William Smalley, and Christopher Smalley, all of the same place, yeomen, "abowt xij off the klok in y^e nyght" came in unlawful manner with force and arms to the said house, and then and there, with great strength and violence ravished Elen Clyff, daughter of your said orator, clearly against her will and agreement, and carried her away to places unknown, so that neither the plaintiff nor any of his friends can find her, to the perilous example of other misdoers unless the said transgressors have "condyng" punishment for the premises.

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[Calendar I.]
C. 2.
8 Hen. VIII.
[1516.]

Prays for Letters of Privy Seal.

[Endorsed] "Hereupon a privie seale is directe for certayn Ryottes to Robert Smalley, Roger Smalley, William Smalley, and Christopher Smalley, to apper xv^a Michis-Arch'i subpena xl li Daſ xxvj die Janii, A^o ix^o Henry viij." [1517.]

WILLIAM CAASE AND ISABEL HIS WIFE *versus* ALEXANDER BANKS,
 ABBOT OF FORNES [FURNESS] AND OTHERS HIS MONKS, *re*
 INCROACHMENT ON MESSAGE AND LANDS HELD OF
 THE ABBOT AT ROUSE [ROOSE], SELERGARTH,
 AND ELSEWHERE.

To the Right Worshipful Sir Henry Marney, Knight.

Vol. ii.
 [Calendar V.]
 C. 3.
 8 Hen. VIII.
 [1516-17.]

WILLIAM Caase, of Selergarth, in the county of Lancaster, and Isabel, his wife, complain that where they in right of the said Isabel were possessed of a mease or tenement built in the said town with a plough land there, and held the same of the Abbot of Furness for their lives, paying for a fine there £6, and yielding yearly for the farm thereof 5 marks. They being so seised, the said Abbot, with more than 22 of his monks and people, on the 16th December, 8 Henry VIII. [1516] in riotous manner assembled in the said town of Sellergarth, broke into the said tenement and turned out of the same plaintiffs, their children, and all their goods and chattels which they still detain to plaintiffs' utter undoing. Since that time the said Abbot has pulled down the said mease, together with 20 others in the said town, and has also enclosed the third part of the arable lands which used to be occupied with the same, so that plaintiffs and the other inhabitants there have been obliged to "avoyde the said towne for lak of mansions in the same."

Prays that a Privy Seal may be directed to the said Abbot commanding him personally to appear to answer the said premisses.

C. 3. a.

Versus Albatem de Fournays.

First, Alexander Bankes, Abbot of Furness, has, without the King's licence, pulled down the whole town called the Sellergarth, in Furness, wherein there were 52 tenements and tenants, with all their householdes, "fonden with plowage and Tellage," and has laid the third part of the said town to several pasture to his own use. For these wrongful doings the said Abbot and his monks were indicted at Lancaster, by 2 several quests before Sir . . . Conyngsby, Knight, and at that time Master Brian Palmes, the King's Serjeant, whereof they are not yet acquitted. There are now 13 ploughs in the said town clearly "de Cayet" and "layd downe frome their occupacion."

The said Abbot has likewise pulled down another tenement in Furness, called the Sandstalle, and laid it to several pasture to his own profit, upon which tenement there were always 2 ploughs tilling; also 2 other tenements at a place called Rouse [Roose], in Furness, and laid them into "severalle clossynge," whereupon there were always 2 ploughs "Tellynge." The said Abbot has also laid to several pasture a place called the Sowthend in Wanaxe [Walney], in Furness, whereupon there were 2 ploughs; and has also made and imparked a park "wher nevⁿ noen was affor," and put into it 300 deer, and has also inclosed in the said park the greater part of a tenement called Rouhede, and divers other farmeynges of other poor tenants in a place called Goldmyer, with other great parts of their demesnes. Besides this, he keeps in his common woods a great number of deer, not yet driven into the said park, "wher nevⁿ deer was, or that he was made abbot." The said park is, by estimation, seven miles "compasse abowet." Moreover the said Abbot of the tenements of Richard Myellner and others at a place called Gryesdalle [Grizedale], in Furness Fells, made another park ready to put deer into, which park is about 5 miles compass.

Memorandum that on no account shall any gentleman being of the Abbot's "fee kyen or alyed" or servants beⁿ put upon the jury, neither shall any of them be of the retinue of Lord "Motegelle," [Monteagle] his steward.

GOWTHER LEGH *versus* JOHN NEWPORT AND OTHERS *re* ROBBERY
OF A CHEST CONTAINING GOLD, JEWELS, AND EVIDENCES,
FROM A DWELLING HOUSE AT WINWHYK [WINWICK].

To the Right Hon. Sir "Herry" Marney, Knight.

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[Calendar vol.
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L. 3.
9 Hen. VIII.
[1517-18.]]¹

GOWTHER Legh complains that whereas he dwells in a tenement in Wynwhyk [Winwick], in the county of Lancaster, and has there a chest containing a gold ring price 26s. 8d. and "certain evidences and other Juelles:" Now so it is, that John Newport, Esq., William Serjeant, Richard Gerard, Thomas Grene, Richard Bradsha, Richard Byrom, Charles Sergeant, Rauf Barscoo, Thomas Raynsforth, with 20 other riotous persons with force and arms came on the 30th day of October last, [1517] in "the eventyde after the sonne sett" to plaintiff's said tenement, he being then away in Cheshire, broke into the said house and carried away with them in a "weyne" the said chest, which they still wrongfully detain: Moreover, for the accomplishment of their purpose the said riotous persons had brought with them Thomas Langton, Esq., Thomas Gerard, of Inse [Ince], Esq., and 60 others, who remained in Hiddelles,² near the said tenement, to render assistance if necessary.

If plaintiff or his wife had been in the said house they would have been in danger of their lives.

Prays for "Prive Seales."

¹ In many cases the document itself has no date and is included in N.D. vols., but contains details which fix the year when the Plea was made. In these cases where the required year is not in brackets [] the year is taken from the calendar, when in brackets the Editor is responsible.

² Hidel is an old word for a hiding place. It occurs in MS. Cott. Vespas. D. vii.

GOWTHER LEYGHE *versus* PETER LEYGHE, PETER NEYLER, AND
OTHERS, *re* TRESPASS ON PARSONAGE PARK LANDS, ASSAULT
OF KEEPER AND DESTRUCTION OF DEER, AT WONEWYKE
[WINWICK] PARSONAGE AND LATHUM MANOR.

To the Right Honourable Sir William Fitzwilliam, Knight.

GOWTHER Legh, Esq. complains that where Master William Bullen, Clerk, is seised by the parsonage of Wonewyke [Winwick], in the county of Lancaster, and of 1 park and divers other lands and tenements to the said parsonage belonging; which said premises the said Bullen, about two years ago, by deed, indented demised to plaintiff for certain years yet to come, provided that he should make certain repairs to the said parsonage, keep safely the deer then in the said park, and to leave a certain number of deer there at the end of the said term, by force whereof the plaintiff has quietly occupied the said premises: Now so it is, that Peter Neyler, of Bradley, in the county of Lancaster, yeoman, Lawrence Kenyan, of Bradley, yeoman, and John Holme and Adam Chalner, of the same, yeomen, household servants of Peter Legghe, of Bradley, senior, Esq., on the 21st day of December, about 11 o'clock in the night, at the command of the said Peter, entered the said park of Wonewycke [Winwick], with bows, arrows, &c., and shot "many and dyverz arroys" at William Haughton, servant to the plaintiff and keeper of the said park, who was walking about within the pale of the same, and who was in such danger of his life that he was "glad to flye" out of the park to plaintiff's house, leaving the said riotous persons there. As plaintiff was out the said Haughton called up certain of his [the plaintiff's] servants "then beyng at rest in their beddes" and they all went to the said park, where they found that the said persons had pulled down the stakes set there for "savegard" of the said deer, but how many deer they had killed in the meantime plaintiff does not know. Plaintiff's servants then arrested the said Peter Nayler, all the others having fled, by reason whereof the said Peter Leighe on the morrow commanded John Kenyon, of Heydoke [Haydock], in the county of Lancaster, husbandman,

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9 Hen. VIII.
[1517-18.]

Thomas Heydoke, of the same, husbandman, and John Smyth, the younger, of the same, husbandman, with 20 others of his tenants, to lie in wait in the highway between plaintiff's house and the Manor of Latham, where plaintiff was then waiting upon the Earl of Derby, his master, to the intent to murder plaintiff and such of his servants as should carry the said Peter Nailor to the said manor to be examined, by reason whereof plaintiff and his said servants are in danger of their lives, and cannot go about their business.

Prays for Letters of Privy Seal. Hilary term.

Hereupon a Privy Seal to Piers Lygh, the elder, Esq., Peter Nailler, and Thomas Kenyon, of Haydok, to appear.

THE KING ON BEHALF OF THE TENANTS OF CUERDLEY,
versus THE ABBOT OF JERVAUX, *re* CHARGE OF
 EMBEZZLEMENT OF COURT ROLLS, OF
 CURDELEY MANOR.

Interrogatories for the Tenants of Curdley [Cuerdley].¹

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 R. 6.
 R. 6. a.
 9 Hen. VIII.
 [1517-18.]

WILLIAM Smyth, of Curdley [Cuerdley], aged 59 years, examined 22nd May, 9 Henry VIII. [1517], well remembers that 40 years ago, Henry Brekeved kept the court for the Abbot of Jervaux, in the house of deponent's father, and after him John Brekeved. During the greater part of the years since that, one court was commonly kept in the summer time. For 6 years of this period deponent lived out of Curdley [Cuerdley], so cannot say how the court was kept. During the last 7 years no court has been kept there.

During all the said time, whenever the court was kept, the steward for the time being left the court rolls with his father, who died 30 years ago. After his decease, Thomas Smyth, deponent's

¹ In the Parish of Prescott.

brother, lived in the said house, and, in like manner the said rolls were delivered to him. In a few years witness's brother died, and then he himself lived in the said house, and also had the court rolls delivered to him whenever the court was held. All the rolls so delivered to his said father and brother came to deponent's hands. About 7 or 8 years ago, the Abbot of Jervaux, who was next before this new Abbot, came to the court to Curdley [Cuerdley], and at that time William Sergeant kept the court as clerk to the lord, and to Sir Richard Bold, then steward there, and then and there the said Abbot said openly in court to all the tenants there that "noon of theym shuld hold no lond ther but he shuld take yt of hym, and ffyne w^t hi for yt." Deponent at the said court delivered all the court rolls that came to his hands to the said last Abbot and to William Sergeant in the presence of the said Abbot, and at his command. Cannot say for certain how many rolls there were, but they were bound together and rolled together in divers paper rolls, and they were to the "mountenaunce of a handfull."

William Sergeant, aged 56 years and more, says that 8 or 9 years ago he kept a court at Curdley [Cuerdley] for the said Abbot, and for Sir Richard Bold then steward there; at which time the said William Smith delivered the "mountenaunce of a handfull" of paper rolls bound together, to the said old Abbot, who then gave one to deponent to look at and read, wherein were 3 rolls of paper folded together of the hand of John Brekeved, sometime steward there. After reading them, witness returned them to the said Abbot: which said rolls are now shown in this court. Deponent has not seen or read any other rolls concerning the said lordship, except those that have been brought up into this court, and he cannot say whether the 3 rolls he examined were the only ones given to the said Abbot.

ABBOT OF FURNESS *versus* CHRISTOPHER BARDESEY,
re ARREARS OF TYTHES, &c., OF BARDESEY.

*To Sir Henry Marney, Knyght, Chaunceller of the Dowche of
 Lancastre.*

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 F. 3.
 9 Hen. VIII.
 [1517-18.]

“COMPLAYNETH to youre gode Mastershippe,” your orator, Alexander, Abbot of the Monastery of Furnes, that where he at the special suit and request of Christopher Bardesey, gentleman, trusting that he would be benevolent to him and his said monastery as he faithfully promised, by his deed not indented, about 10 years ago, demised to the said Christopher the tithe barn of Bardesey, with all manner of tithes of corn pertaining to the same, for the term of his life, he paying yearly for the same £4 sterling.

Also at divers times the said Abbot lent to the said Christopher, in his necessity, certain sums of money amounting altogether to £20, for the payment whereof the said Christopher was bound to the said Abbot in a “statut Marchaunt.” Afterwards, when the said Abbot was in trouble and absent from his said monastery, the said Christopher “inbessellyd” the said statute. Instead of being benevolent, defendant has been most “cruell, unkynde, and maliciouse,” and has extended his “extremytie of displeasure” to the said Abbot and has provoked divers persons to put him to trouble, by reason whereof he has been put to “sumptuose expences and chardges.” Defendant has refused to pay not only the said £20, but also the said rent of £4, and has been behindhand with the same for several years.

Prays for remedy.

[Endorsed.] “Herupon a privie seale is direct to Xssofer Bardesey, gentlemen, to apper xv^a Trinitatis prox. subpena xl li Dat. xx die Maii, A^o ix^o H. viij.” [1518.]

ROGER PLATT *versus* THOMAS GERARD *re* ILLEGAL IMPOUND-
ING OF CATTLE, &C., AT INCE AND BRINE.

*To the Ryght Worshypful Henry Marney, Knyght, Chaunceler to
oure sovereyng Lorde the Kyng of his Duche of Lancaster.*

"HUMBLY shewyth to yore good Mastershyps," your daily
"Bedman," Roger Platt, of Ince, in the county of Lan-
caster, husbandman, that one Thomas Gerard, of Asheton, in the
said county, Knyght, on the Eve of St. Katherine now last past,
of his "oune Rygorus and malycyus mynd" came with other
"ryotus and mysdemenyd persons" to the said town of Ince,
broke into the close of your suppliant, and took away 5 young
beasts and 2 heifers, and "drave and inchasyd" them from Ince
aforesaid, to the mansion and dwelling place of the said Thomas
called the Bryn, in Asheton, where he "Inpowndyd and inparkyd
them in such maner that your seyde besecher cownot [could not]
have no perfet understanddyng nother knowleg where the seyde
bestes where become by A long tyme and space."

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9 Hen. VIII.
[1517-18.]

Afterwards, when your orator heard where the said beasts were
he sent Lawrence Charnock, his servant, to the said mansion house
to give "mete and sustenance" to the said cattle, and the said
Thomas, of his "further rancor," took the said Lawrence and
imprisoned him in the "Stokkes," and put in such fear that he
dare not stay to feed or release the said cattle which are still
detained by the said Thomas.

Prays for remedy.

[Endorsed] Privy Seal to be directed to Sir Thomas Gerard,
Knight, to appear in the "tres" of Easter next, under penalty of
£100. Given 9th Feb^r, 9 Henry VIII. [1518.]

JOHN SALE *versus* JOHN BOTHE, THOMAS GERARD AND OTHERS,
re CLAIM OF DEBT UPON BOND AND WARDSHIP OF LANDS AT
 BEDFORD AND LEGHE [LEIGH.]

To the Right Honourable Sir Thomas More, Knight.

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 S. 16.
 10 Hen. VIII.
 [1518-19.]

JOHN Sale, citizen of London, complains that where one Henry Sale, late of Bedforthe [Bedford], in the county of Lancaster, deceased, his brother, was seised, in his demesne as of fee, of 6 messuages and 400 acres of land with appurtenances, in Bedforth [Bedford], which he held of Thomas Boteler, Knight, by knight's service, and where the said Henry had issue Margaret, his daughter and heir, who, at the time of his death, was aged 4 years, by force whereof the said Sir Thomas seised the body of the said Margaret as his ward, and entered into the premises, and, being thereof possessed, for the sum of £40 sterling to him paid by the plaintiff. The said Sir sold the wardship and marriage of the said Margaret, and also the custody of all the said lands to John Bothe of Barton, in the county of Lancaster, Esq., and Roger Ashowe, gentleman, who were put in trust by plaintiff to make the said bargain to the only use of the plaintiff so seised, the said John and Roger with plaintiff's consent by indenture dated 12th July, 10 Henry VIII. [1518], sold to William Sergeant, of Newton in Makerfield, in the said county, Henry Sergeant, and Joan, wife of the said Henry, the said wardship, marriage, and custody, to hold until the said Margaret attained the age of 14 years, they paying to plaintiff for the same the sum of 130 marks in manner following, that is to say every year after the said Margaret had attained the said age of 14, in the Parish Church of Leghe [Leigh], in the said county, in the vigils of the Purification of our Lady St. Mary and St. Lawrence. 10 marks, until the whole sum should be contented. For the performance of all the covenants in the said indenture contained, the said William Sergeant, Henry Sergeant, Joan, his wife, Thomas Gerard, of Ince, Esq., John Holcrofte, of Holcrofte, Esq., Robert Langton, of Lawe, Esq., John Starkye, of Pynnyngton, Esq., and John Sale, of Burtonhed, gentleman, by their writing obligatory dated 12th July, 10 Henry VIII. [1518], acknowledged themselves

bound to the said John Bothe and Roger Asshowe in the sum of 400 marks, to the only use of plaintiff. Afterward the said John Starkey died, by force whereof lands, tenements, and other hereditaments of the clear yearly value of 20 marks of an estate of inheritance in fee simple whereof the said John was seised, descended to George Starkey, his son and heir, who then entered into the same. John Sale also died, by reason whereof lands and tenements of the clear yearly value of 20 marks descended to Joan Sergeant, wife of Henry Sergeant, as daughter and heir of the said John, who accordingly entered into the same. The said Margaret is now aged 20 years and more, by reason whereof plaintiff has received the sum of 20 marks, parcel of the said 130 marks: Now so it is, that notwithstanding the great trust that plaintiff had in the said John Bothe he (Bothe) at the desire of the said Thomas Jerard, John Holcrofte, Robert Langton, and their friends, knowing that plaintiff had only received 20 marks, has lately made and delivered to them an acquittance or other discharge as his perfect deed, and where the plaintiff should have received £3 6s. 8d. on the vigil of St. Laurence last, and sent from London to the Church at Leghe to demand the same, it was refused him.

Prays for writ of Privy Seal to the abovesaid persons commanding them to appear at Westminster to answer the premises.

RICHARD HAIDOCK *versus* JOHN SINGLETON *re* TITLE TO
LANDS AND TENEMENTS AT CHERNOCK AND
HEATH CHARNOCK.

I NTERROGATORIES of John Syngleton, of the Chynghyll-haill,¹ Esq., upon the party defendant between the said John and Ric. Haidock, party plaintiff:

Interrogatories to be ministered upon the part of Ric. Haidok, plaintiff, concerning the matter in variance between the same and John Syngleton, defendant:

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10 Hen. VIII.
[1518-19.]

H. 5. a.

¹ In Goosnargh.

H. 5. b. A Certificate to Sir John Gage, Knight, Chancellor of the Duchy of Lancaster, made by Sir Thomas Sothworth, Knight, John Holcrofte, Esq., and John Gelebrand, gentleman, in a matter at variance between Richard Haydok, plaintiff, and John Singleton, defendent :

On behalf of
Ric. Haidok.

1. Hugh Swansey, of Whitoll [Whittle] in the Woods, aged about 51, says that he knew John Syngleton, of the Chyngylhalle, deceased, also William Syngleton, his son, but he did not know Robert Crombelholme nor William Barker.

2. He knew Elizabeth Syngleton, widow, late the wife of John Syngleton, grandfather of John Syngleton "nowe beyng heyre;" also knows Sir James Tarleton and Sir John Werden, priests.

3. Knows part of the land in Hethe Chernoke now in variance.

5. Knows that a deed was made to Richard Haydok.

10. Deponent, by virtue of a deed, was present at the taking of possession.

11. There was possession delivered in the house now in variance.

12, 13. Deponent delivered possession to Richard Haydok and Robert Kyengelay.

14. John Yate and Robert Foster, with others, were present at the said delivery.

16. Believes that William Syngleton sold the said land.

19. Thinks that William Syngleton made estate thereof.

20. It is about 13 years since the said possession was taken.

21. The wife of Oliver Pylkynton then was, and still is, tenant.

22. The farmer there paid rent to Richard Haydok until after the decease of William Syngleton.

23. William Syngleton lived 8 years after the sale of the said land.

24. It will be 3 years next Easter since the death of William Syngleton. Richard Haydok has taken partly the rents.

Robert Cayngeley, of Chorley, aged about 60 :

10, 12, 13. He was one who delivered possession, which was delivered upon the said ground according to the deed to Richard Haydok.

14. John Yate and Nicholas Hilton were present.

16, &c., &c. (As above.)

John Yate, aged 55, deposes as above.

Robert Forster, aged 54; Henry Breres, aged 44; William Gerrard, aged 50; and William Held, aged 51 years, depose as above.

Sir John Werden, priest, Curate of Leyland, aged about 52, ^{On behalf of John Syngleton} deposes that he was a feoffee specified in a deed, and took possession in a house above Preston. Sir Robert Wilkynson, and others whose names he knows not were present.

Sir Robert Wylkynson, priest, aged 51, deposes that Sir James Tarleton, priest, and Sir John Werdyn, priest, took possession in a house above Preston, in the holding of William Mason, he himself being present.

Sir James Tarleton, priest, aged about 54 years, deposes that he and Sir John Warden, priests, were feoffees to John Syngleton to the use of Elizabeth Syngleton in a house above Preston, then in the holding of William Mason, with other lands, by the delivery of Richard Charnok.

[There are no particulars of the premises given in the interrogatories.]

DECREES AND ORDERS, HENRY VIII. BOOK 7, Fo. 206.

M^d that the matter in variance betwene Rychard Haydok ^{Hilary Term, 35 Hen. VIII. [1544.]} partye plaintiff, and John Syngleton and Letyce Pylkynton partie defendant, ffor as moche as apon the hearyng and debatynge of the seyde matter yt apered to the Chauncelor aud Councell of this Court that William Syngleton, ffather of the sayde John Syngleton, bargayned and sold to the sayde Rychard Haidok, and his heyres, the lands and tenements in Heath Charnok, in the countie of Lancaster, specyfyed in the bill of compleynt of the sayde Rychard

Haydok. And for the fforther assuraunce therof to be hade to the sayde Compleynaunt therof infeoffed the seyde compleynaunt; And ferthermore, yt ys suffycyently proved that he the same Compleynaunt hath occupied and enjoyed the said lands and tenements, and haith Receyued the Rents and profetts therof by vertue of the seyde bargan, sale, and feoffament, by the space of viij yeres and above: And ffor as moch also as the saide defendants clayme nothing of and in the possession of the seid lands and tenements nor have made theym no title to the same, but by the sufferance off Elizabeth Syngleton, wydowe, late the wyff of John Syngleton, Deceased: And by her assent which assent they have not proved: And for that fferthermore, that yt also appered apon the debatyg and oppenyng of the seyd matter to the Chauncellor and Counsell afforesayde, that the said Elizabeth Syngleton, wydowe, and Sir James Tarleton and Sir John Werden, priests, beyng then feoffees of trust, to the use of the said Elizabeth for terme of her lyfe, demysed and sett the sayde lands and tenements, among others, to the sayde William Syngleton for terme of lyffe of the seyde Elizabeth long tyme before the sayde bargan, sale, and feoffament therof made to the sayd Haydok, ffor the wich demyse and graunt the sayd William Syngleton covenanted and graunted to and w^t the sayd Elizabeth to pay vnto her yerly X marks during her lyffe for the said leas: And for the performaunces of the sayd covaunt became bounden to the seyd Elizabeth by Statute in the some of C Li sterlyng: And for as moche also as yt apered to the sayd Chauncellor and Counsell y^t the said X marks hathe byn ever sythen the sayd leas and covenant made, and yet ys truly contented and payd to the saide Elizabeth: And for that also that the lerned Councell of the saide defendant could saye nothyng ageynst the seyd lease for the dysprove therof, but only that there was no lyvere made to the said William Syngleton upon the same leas, as by the same Counsell of the sayd defendant yt was then sayd and affermed, therefore, and for diverse other causes and consideracions, the Chauncellor and Counsell afforsayde in that behalfe movyng, yt ys now ordred and Decreed by the said Chauncellor and Counsell that as well the sayde

defendant and theyre heyres, as also the sayd Elizabeth Syngleton, wydow, shall permyt and suffer y^e sayd complaynant and his heyres and assignes to have, holde, occupie, and enjoye the sayde lands and tenements contayned in the sayde bargan, sale, and feoffament, without lett or interrupcion of the sayd defendants, or of the sayd Elizabeth Syngleton, or of any other person or persons for, or in theire names, title, or interest, or in the name, Ryght, title, or interest of any of theym, provydet always that yf the said Elizabeth Syngleton, wydowe, be nott yerely payd and satisfyed of and for the sayde yerely some of Tenne marks; that then, she, the saide Elizabeth, after default of payment therof made, shall, and may, duryng her lyffe, haue suche and the same benyfyte by waye of distresse or entre in the saide premyssees or oyerwyse as yf this present Decree and ordre had never byn had nor made.

GEORGE WEST, MASTER AND WARDEN OF MANCHESTER COLLEGE,
versus JOHN, ABBOT OF WHALLEY, *re* CLAIM TO DEBT UPON
 BOND GIVEN BY ROBERT CLYFFE LATE MASTER AND
 WARDEN FOR SUPPORT OF THE COLLEGE AND
 A PRIEST THERE.

To the Right Honorable Sir Henry Marney, Knight.

GEORGE West, Master and Warden of the College of Our Blessed Lady, of Manchester, complains that where it was ordained that in the said College there should be perpetually a warden, V , 4 deacons, and 4 "queresters," for the maintenance of the service of God there, and in the Church of Manchester, one Robert Clyffe, Master there, by deed made between himself and the Fellows of the said College of the one part, John, Abbot of Whalley, of the second part, and Edmond Trayford, Esq., of the third part, granted that 4 priests, beyond the number deputed to be resident in the said College, should have perpetual "contynuaunce" there, with meat, drink, lodging, 1 livery and

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 W. 5.
 11 Hen. VIII.
 [1519-20.]

other necessities at the cost of the said College which is clearly against the order of the foundation thereof, which orders that 1 warden, 8 vicars, 4 deacons, and 6 choristers be resident there, and against the oath that every brother takes upon his admission. For the performance of the said covenants the said Warden and Fellows bound themselves to the said Abbot in the sum of £500, and the said Master, without the assent of the said Fellows and Brethren, sealed the said indenture with the common seal of the said College and delivered the same to the said Abbot and Trayford. No lands or money came to the use of the said College wherewith the said new priests could be sustained: Now so it is, that the said Abbot, intending to recover the said £500, has commenced an action for debt upon the said indenture against plaintiff, although he obtained the said obligation from the late Master, hoping to bind plaintiff and his brethern to the payment thereof.

Prays that a Privy Seal may be directed against the said Abbot.

The answer of John, Abbot of Whalley.

W. 5. a.

It was agreed by the said Sir Robert Cliffe, at the request of Richard Bexwek, the younger, late of Manchester, merchant, had ordained and provided, as well in his life, as by his will, to the honour of God and for the augmentation of His service to be done in the College Church of Manchester, in lands, tenements, and otherwise, sufficient for the yearly stipends of 4 priests for ever, to do divine service, assist the said Master, keep the "Queer," be present at matins, mass, evensong, &c.; the said Master and Fellows desiring the continuance of the said 4 priests there, with their common assent and consent, and also with the consent of Geoffry Blythe, Bishop of Coventry and Lichfield, of the Dean and Chapter of the Cathedral Church of Lichfield, and of the Prior and Convent of the Priory of our Lady of Coventry, in order that the said 4 priests should have daily "mette and drynke and chambres, barbers, landers, and lyvere gownes," at the costs of the said College, bound themselves and their successors

with their whole assents and consents, in £500, for the due performance of the premisses as by indenture tripartite made 1 Henry VIII. [1509-10] more plainly appears; which provision was made by the said Richard Bexwyk, as well for the assistance of the said Master in divine service to be done within the said College Church, as within the parish of Manchester, "whych is a gret paroch and hath seven thousand howseling peple and moo resident w'tyn the seid poch" who could not be sufficiently served with the "Rights" of the Church by the said Master and Fellows without further help. The said Richard Bexwyk was an especial benefactor of the said College, having given a suit of vestments, price £45 and more, and having built, at his own charge, a chapel and one side of the "Queer" of the said College Church, which cost him 300 or 400 marks or more, besides other good deeds.

The replication of George West.

The said 4 priests, by the said indenture, are established to be Chantry priests within the said College, although there is no Chantry incorporated or founded there.

W. 5. b.

The said vestments were given by the said Bexwyke to the intent that the Brethren and Fellows there should pray for him.

W. 5. c.

There is no writing under the Chapter Seal of the Cathedral Church of Lichfield to prove that assent and consent was given to the said indenture, besides, it was not in their power to alter the old foundation of the said College.

Plaintiff prays that the said Abbot may be commanded to bring the said obligation into Court to be cancelled, and that he may be enjoined not to proceed further with the action which he has commenced.

W. 5. d.

JOHN GREENHOUGH, THE KING'S FEODARY AND BAILIFF,
versus ROGER ANDERTON AND JAMES SCHEPPUL-
 BOTHOM, CONSTABLE OF BERY [BURY].

To the Right Honorable Sir Henry Marney, Knight.

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 [Calendar 6.]
 G. I.
 11 Hen. VIII.
 [1519-20.]

JOHN Grenhough, of Brandylson [Brandlesome], in the county of Lancaster, feodary and bailiff to the King of the fee of Totyngton [Tottington], parcel of the Duchy of Lancaster, complains that where one Thomas Nawden was attainted of murder for the death of Edmund Kaye, whereby he forfeited all his goods whereof plaintiff ought to make a due account to his Majesty; and whereas plaintiff would have seised all the said goods, Roger Anderton, of Bery [Bury], in the said county, came intending to disinherit the King of felon's goods, and drove away all the said goods, to wit, 5 kine price 4 marks, 2 oxen price 20s., 4 heifers price 26s. 8d., 3 "stekys" price 9s., a mare price 10s., and other "catelles and corn" to the value of 40s. And whereas 3 stray sheep came within the said fee of Totyngton, plaintiff seized them to the King's use, but the said Anderton and James Shypobothom drove the said sheep away.

Prays for Letters of Privy Seal.

G. I. a.

The said John Grenehough likewise complains that whereas he in the execution of his duty, at divers times, sent his servants to distrain within the lordship of Bery [Bury] and Shittyworth [Shuttleworth], for several amerceaments at sundry courts held by the King's steward within the lordship of Toddyngton [Tottington], at which courts Thomas, Earl of Derby, the 4 constables of Bery [Bury] and the said township were severally amerced, Roger Anderton, of Bery [Bury], yeoman, and James Shippulbothom of the same, with 6 other riotous persons riotously rescued and would not allow plaintiff's servants to distrain.

Prays that the said Anderton and Shippulbothom, being now in London, may be commanded to answer the premises.

The answer of Roger Anderton and James Scheppulbothom.

G. I. b.

Defendants say they have never heard that the Earl of Derby held the lordship of Bery [Bury] of the King to do suit at the court held in the lordship of Todyngton [Tottington], or that his Majesty was seised of such suits of the said Earl, by reason whereof the said Roger Anderton, as servant of the said Earl, desired the said John Grenehoghe, at the time of the said rescue, not to distrain for such amerciements until right might be known as to whether the said Earl "owt" any such suits to the King; if so, the said Roger and James will be ready to be ordered.

The answer of Roger Anderton and James Shepulbotham.

G. I. e.

Defendants did not know that the said John Grenehough was bailiff or feodary of the said fee of Todyngton [Tottington]; nor that Thomas Nawdon had any goods beyond 4 kine, 1 mare, and some corn.

It is true that the said Nawdon was attainted of felony, and was arrested by the said Roger and brought to the gaol at Lancaster. His goods were left in the possession of his wife, who, with her brothers, delivered 26s. 8d. of their own money to the said Roger at the commandment of Sir Harry Hashall, Justice of the Peace, to be used for the keeping of the said felon in the stocks before going to prison. This amount, and more, was spent, and then the said wife and her brothers took into their possession 4 kine, parcel of the goods of the said felon, in satisfaction of the said 26s. 8d.

The Earl of Derby has liberty of "waif and stray" within the lordship of Bery [Bury], whereof defendants are constables. James Greve came into the said lordship and took the said 3 sheep mentioned in the bill, pretending title to them as strays, whereupon defendant, claiming the said sheep to be strays to the said Earl, commanded Robert Lache to fetch the said sheep back again, which he did: Afterwards defendant caused proclamation to be made in the market of Bery [Bury] according to the law, and, after proof was made for the "propriete" of the said sheep,

one was delivered to one Bothe, servant to plaintiff, another to William Batersby, and the third to one Assworth.

The replication of John Grenehough.

- G. i. d. Plaintiff says that Bery [Bury] is parcel of the lordship of Todington [Tottington]. The said 3 sheep were strays and "soo knowing" at a town called Atonfeld [Edenfield] within the said lordship and were thence driven away by the said defendants.
- G. i. e. The King alone has title to all strays. The said Earl owes the said suits and services to the King.

- G. i. h. Commission dated 14th November, 11 Henry VIII. [1519], addressed to Ric. Hesketh, attorney at Lancaster, Ric. Asshton, Esq., John Hopwood, Esq., Ric. Smyth, parson of Bery [Bury], Robert Bolton, Esq., and Gilbert Holden.

- G. i. i. Depositions taken 22nd December, 11 Henry VIII. [1519].

Robert Bothe, aged 39 years, says that being deputy for John Grenehalgh, the King's bailiff, he, on Tuesday next before Christmas, came to the house of Thomas Naden, the King's felon, whose goods he intended to seise to the King's use, but he found the doors barred and the barn doors "writhen with withes."¹ Deponent then rode into the grounds and found 5 "kye" price 45s., 4 young beasts price 13s. 4d., 2 "oxen bestes" price 10s., a mare price 6s. 8d., and 2 "foles" price 2s., sum total £3 17s. 0d. Deponent knows that Roger Anderton sold to Thomas Bradley and Robert Bradley, 4 beasts of the said Thomas Naden's for 26s. 8d., and 2 oxen to John Keye, of the Litlewode, for 10s.

On the said Tuesday witness demanded the goods of the said felon of the said Anderton, who answered that he had "arrested" them in the right of the Earl of Derby, and that neither deponent nor any other should meddle with them. Soon after, the said Anderton, accompanied by 12 or more persons, in the chapel within the Parish Church of Bury, called deponent before him and in the presence of them all discharged him from any further meddling, "bot open his Jopdy,"² and charged the Earl's tenants

¹ Twisted with twigs of willow. ² Jeopardy.

to stop deponent or any others who attempted to take the said felon's goods.

Roger Anderton and his son, James Shepulbothum, and Robert Lache went to deponent's house on the Monday before Midsummer day last, and took away a cup price 10d., and 2 ewers price 20d., which witness had seised for the King, and caused deponent's wife to deliver him the "wolle pice vjd. and delt it at his pleasure."

Edmund de Grenehalgh, aged 26 years, says as above.

Thomas Batersbe, aged 60 years, says that he distrained James Shepulbothum and Roger Anderton for amerçiements lost in the court of Totingdon [Tottington] and "streytes y^eoff," delivered to deponent as deputy to John Grenhalgh, and seised from both of them a brass pot for the said distress on St. Peter's day last, but they made rescue and said he should have nothing against their will. Edmund Sedon was present.

Edmund Sedon, aged 40 years and more, says as above.

Rauff Keye, aged 50 years, deposes as above.

Thomas Bradley, aged 50 years, says that Roger Anderton and other of the constables of Bury, sent to him and to Robert Bradley his brother, one Jaynkyn Hewwod, desiring them to come and speak to them. They then took them to Thomas Naden's house and sold them 4 kine, price 26s. 8d.

Ryc. Assheton, John Hopwod,
Rychart Smyth, pson of Bury.
Robert Bolton. Gylbart Holeden.

For the part of Roger Anderton.

G. I. j.

Hugh Chetham, Bertyn Flecher, Rauff Keye, and Roger Keye depose to being present when Robert Bothe demanded of Roger Anderton the goods of Thomas Naden, for the "Exchetor" and in the name of none other, without mentioning John Grenehalgh. The said Roger said he did not know him to be a deputy for the "Exchetor," and therefore would not answer him.

Jamys Keye, of Tocherode, John Keye, of Litlewode, Ric. Leghes, and William Nabbes depose that they were sworn by the commandment of the steward of Bury to "prayse" the goods of Thomas Naden, and to make a true inventory of the same: They found a mare price 6s., a "fole" price 12d., "a swyne" price 20d., corn in the barn 9s. 4d., hay in the barn 4s., and other household stuff price 13s. 4d., sum total 35s. 4d.

G. 1. k.

James Shepabothom, a deputy constable, of Walmersley Hamell, sworn 6th November, 11 Henry VIII. [1519] says that immediately after the said Roger Anderton had attacked the said Naden for murder, he sent for deponent, who went towards Naden's house, and at a moor called Stanlyes near the said house Naden's wife met deponent and the said Anderton, Elys Holt and Jenkyn Whitehede being present, and they then sold 4 kine to Thomas Bradli, Robert Bradli, and the wife of the said Naden for 26s. 8d., which they then received.

LAURENCE COTTOM *versus* JOHN BRADLEY AND OTHERS *re*
TRESPASS AND ASSAULT, POUND AND RESCUE OF
CATTLE, &C., AT THORNLEY, LEAGRAM
PARK, CHIPPING, AND ELSEWHERE.

To the Right Hon. Sir Henry Marney, Knight.

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[Calendar 5.]
C. 1.
13 Hen. VIII.
[1521-22.]

LAURENCE Cottom, of Thorneley, in the county of Lancaster, yeoman, complains that where he lately took by way of distress, in a close in his holding, certain cattle of John Bradley of Thorneley, gentleman, for "damage fesaunt," and impounded them, whereupon Miles Bradley and James Herrison, alias James Wilkynson, servants of the said John Bradley, at his command with force and arms, without precept from the Sheriff, took the said beasts out of the said pound, at which time they shamefully illtreated Elizabeth Hill, plaintiff's servant, who was in great jeopardy of her life: And where also plaintiff sent two of his servants with his carriage to fetch timber for his repairs, the said

James Herrison and Richard Bradley with force stopped the said carriage in the "hye wey" and used such threats that plaintiff's servants were glad to depart without the said carriage, which still remains in the same place, as plaintiff dare not fetch it away: Moreover the said James Herrison, John Bradley, and Reynold Harrison, at the commandment of the said John Bradley, lay in wait to "bette and mayheme" plaintiff, and hurt him so much that he was in danger of his life, whereupon he being a poor man and getting the greater part of his living by buying and selling in the said county, obtained a warrant of the peace against the said John Bradley, senior, William Bradley, Edward Bradley, Jamys Herrison, Richard Bradley, Miles Bradley, and Robert Boys, which was directed to Roger Shirburn, bailiff of the said town of Thorneley, and to the Constables there, to arrest the said John and others, by virtue whereof the said Officers arrested the said James Herrison and Richard Bradley, and intended to arrest the others, but the said John Bradley, with sixteen riotous persons, assembled at Chepyn [Chipping] and Leagram Park, assaulted the said Officers and made a "rescove," to the most perilous example that has been seen.

Prays that Letters of Subpœna may be directed against the said John Bradley and others.

The answer of John Bradley, of Thorneley, and James Harryson.

C. I. a.

Defendants say that about three years ago certain kine of the said John Bradley, in the night time, "contrary to his mind," strayed out of his yard. In the morning the said James and one Miles Bradley searched for the said cattle, and at last discovered that they had broken into a close and pasture of the said Lawrence, which adjoined the yard of the said John, so they fetched them out in case they should do any harm to the said pasture, except three kine which the said Lawrence had driven to a place in the Forest of Bolland called Lagreham [Leagram] Park, where he kept them in pound three days and three nights without meat or drink, until they "nere famyshed for hunger."

When they were "nygh dede for povertye" they were driven back into the pasture of the said John Bradley.

As to the stopping of the said wain, defendants say that the servants of the said Lawrence were driving it over the ground and pasture of the said John Bradley, called Bradley Karre, in Thorneley, being quite out of the high or common way, and that the servants of the said John perceiving this, went quietly up to them and asked them to return to the high way, which they refused to do, taking out their oxen and leaving the wain with timber in on the said ground.

Defendants never saw any such warrant of the peace as is mentioned in the bill, but about Whitsuntide last the said John Bradley, his wife, and three of his household servants, were at their Parish Church of Chipping on Sunday, and as they were going home to "dyner ward," Roger Shirborne, gentleman, and the said Robert Shirborne, his son, with about twenty riotous persons, followed and assaulted them, crying out "stryke down the said John Bradeley," by reason whereof he and his servants fled into the King's Park at Lagreham [Leagram], where the said Roger and Robert broke down the King's pale, saying that they had a warrant to arrest defendant, which, however, they did not show. Defendant (John) then offered to find surety, which the said Robert Shirborne accepted, and then allowed the said John and his servants to depart.

C. I. d. Writ dated 11th May, 13 Henry VIII. [1521.]

C. I. e. Whereas the King's Letters of Commission were directed to us, Sir Hen. Kyghley, Knight, Ric. Hoghton, Esq., Ric. Hoddersall, Wm. Kyrkeby, and James Walton, in a cause depending between Lawrence Cotom and John Bradley. We gave due warning to the parties to appear before us at the Chapel of Langgrige [Longridge], near both their dwelling places, on the 13th June, at which time the said John Bradley did not appear himself, but sent his son and other persons, and the said Lawrence came before us "opon a horse litter, because of suche greuis strokes as he lately hade, the same daye he came afor me

y^e said S^r Henr^o for y^e p^rofite and sur knowlege of y^e day o^r sitting," which said strokes he had by the "causing" of the said John Bradley as he then and there affirmed.

In witness whereof, &c., 20th June, 13 Henry VIII. [1521.]

Examinations of witnesses taken by Sir Hen. Kygheley and others, on behalf of Lawrence Cotom. C. 1. g.

Raynold Alston the elder, aged 26 years and more, says he saw the 24 beasts of the said John Bradley impounded in a close at the house of the said Lawrence Cotom: which close is not always kept for a "pynfold," but is often pastured with the "catalles" of the said Lawrence. James Wilkynsone, *alias* Henryson, came there with his bow bent and an arrow therein "wyked," and Miles Bradley with an haubert in his hand, and took the said beasts away, at the same time wounding Elizabeth Hill on her hand. Robert Bowes also came with a staff in his hand and stood near the said close.

Christopher Baturby and John Salebury, yeomen of the King's guard, depose that within 3 days after the said beasts were taken away they came to the house of the said Lawrence, and found the said Elizabeth Hill "evill stryken," who said it was done by the servants of the said John Bradley.

Thomas Knole, aged 24 years and more, deposes as above.

Raynold Alston says that Roger Shirborne, gentleman, came to Chipping Church the Sunday next after the Invention of the Holy Cross, 10 Henry VIII. [May, 1518] having with him the Constable of Chipping, and divers other persons to attack the said John Bradley and others, which he did not do for "dred of mennys lyffis."

John Salesbury deposes that Robert Shirborne, son of the said Roger, showed him that the said John Bradley assembled on the said Sunday to resist the King's warrant.

Robert Wilkynson, aged 50 years and more, deposes that when the said John Bradley came into church, the said Roger Shirborne remarked to witness that the said John was "unhappy to come at

that time," because he (Roger) must serve the King's warrant of peace upon him.

Henry Richemond, aged 50 years and more, deposes that when they came out of church the said Roger pursued the said Bradley as far as Laingrame [Leagram] Park, where he found him with 12 others, their staves "rered up," and the said Bradley with his dagger partly drawn. When the said Roger was going to attack the said Bradley the latter said he had a supersideas. This he did not produce at the time, but found surety to show it the same night.

James Thrylfall, aged 60 years, Thomas Huddersall, aged 20 years, and Raynold Alston, the younger, aged 23 years and more, depose as above.

All the above, and Ric. Baturby, aged 70 years and more, depose that the place where Lawrence Cotom's wain was stopped, has been, and is, a way accustomed to carry and recarry from Slatbourne [Slaidburn], Boland, and Clyderowe [Clitheroe] to Preston in Amounderness, the King's market town.

Raynold Alston, the younger, says that John Bradley, junior, and James Henryson lay in wait to beat the said Lawrence, and so it is reported by "the voice of the country."

John Salesbury says he found that the said Lawrence had been "evill beten and strykyn" by the servants of the said John Bradley.

We, the Commissioners, find that the said John Bradley resisted the said warrant, and that his servants took the beasts out of the said pound.

Examinations of witnesses on behalf of John Bradley.

C. I. K.

Sir Thomas Hyndeley, parish priest, of Chipping, deposes that the servants of the said Bradley missed their master's cattle, found them in the close of the said Lawrence Cotom, and brought them home. They did not hurt the said Elizabeth Hill, or others. Neither did the said Bradley disobey the said Roger Shirborne when he served the said warrant, but merely said he had a supersedeas.

John Rodes, aged 60 years, deposes as above, and further says that the wain of the said Lawrence was not stopped in the high way.

Edward Rodes, aged 40 years, deposes as above.

Thomas Burnie (?) aged 60 years, deposes as above, and says moreover, that the common voice "thernyngh" is that the said beasts were taken out of a close of Laurence Cotom and not out of the pound.

Edmond Parkynson, aged 40 years, John Herrison, *alias* Wylkynson, aged 40 years, Reynold Herrison, *alias* Wylkynson, aged 30 years, depose as above.

ALEXANDER, ABBOT OF FURNESS MONASTERY *versus* CHRISTOPHER
BARDESEY *re* TITLE TO RENT AND PROFIT OF TITHE
BARN, &c., IN BARDSEY, DALTON, AND
SEA WOOD PARK.

To the King our Sovereign Lord.

ALEXANDER, Abbot of Furness, complains that whereas Christopher Bardesey, of the town of Bardesey, in Furness, in the county of Lancaster, gentleman, made special request to him to have his barn of the town and fields of Bardesey, to farm for the term of his life, and promised that if plaintiff would grant him the said barn and tithe grains for £4 yearly he would be "beneficial" to the said monastery, and always ready to give them his best advice: Plaintiff, considering that he was a "gentleman born," and a near neighbour, and trusting in his promise, granted his request, and agreed that the said Christopher should, out of the said £4, retain to his own use 13s. 4d. for his advice. Plaintiff then asked the said Christopher to make a deed of the said lease, with clause of distress, who, knowing that plaintiff was ignorant of the law, made the same by a polled deed not indented, intending to deceive plaintiff, who, thinking the said lease was properly drawn up sealed it, but cannot remember the day and

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and year. Since the 6th year of Henry VIII. up to the Feast of St. Michael last past, the said Christopher has received the whole profits of the said barn and tithe grains and refuses to pay anything to plaintiff, who, after waiting a long time, sent his prior and Edward Stanley to occupy the said tithe barn, about 20th of August, 8 Henry VIII. [1516]. Then the said Christopher with about 30 others assembled themselves and with force and arms took Edmond Curwen, plaintiff's servant, beat him, and imprisoned him in the house of the said Christopher. About 20th August last past, plaintiff sent Bryan Gord . . and Edmund Staynforth, his monks, to re-enter the said tithe barn and to bring the said grains to the said monastery, and as they were in the fields gathering the said tithes, having with them but one "servant secular," the said Christopher caused William Bardesey, son and heir apparent of George Bardesey, James Dyconson, John Johnson, Christopher Lewtheth, Alexander Bryge, John Bryge, Christopher Crowdeson, Sir John Eglesfeld, Roger Haverryge, John Coper, Thomas Johnson, Robert Shawe, Christopher Nycolson, John Brige, Thomas Addeson, William Doughty, William Jonson, Waltier Scott, with 20 others to plaintiff unknown, to assemble, who then assaulted plaintiff's servants violently, and "in the rudest manere sette ther cruell and boystows handes upon them" and threw them to the ground, and took from them 1 horse loaded with the said tithe grain. The said monks were so frightened that they returned to the monastery without horse or tithes. The said Christopher is under-steward of "Myche" lands in Furness under the Earl of Derby, who is so powerful in the said county that plaintiff dare not bring a suit against him (Christopher).

Whereas, also, the bailiff of the liberty of Furness, called the King's bailiff, 15th October last past, distrained one horse of the said . . . Christopher Bardesey, at Bardesey, for issues and amerciaments lost and forfeited in the King's Court at Dalton, within plaintiff's liberty, and as he was driving the said horse, the said Christopher, William, and George Bardesey with 10 others, took it away with great violence. Moreover, defendant has lately,

within the lordship of Myche land, compelled divers tenants there to occupy the lands and "roatres" of several fishings within Furness belonging to plaintiff, and to take fish daily to his own use: of which said land and fishing plaintiff and his predecessors have been seised time out of mind in right of the said monastery. Moreover, the said defendant wrongfully surmised that plaintiff's servants Waltier Flemyng, Edmond Hutton, and George Huddleston killed 2 deer in the See Wood [Sea Wood], whereas they were really killed by defendant and his son William, nevertheless, the said servants were indicted at Lancaster, and an action was taken out against them, whereby they are in great danger of losing their moveable goods and being kept in prison for 3 years, to plaintiff's great damage who loses his servants and "is necessary left undone."

And whereas defendant was bound to plaintiff by a statute of the staple to pay £30 at certain days for money borrowed of plaintiff, and when plaintiff was most cruelly and unjustly expelled from his said monastery, the said defendant being leader of divers riotous persons, the said statute was taken out of the said monastery, and is still kept back from plaintiff. At the same time goods belonging to him, to the value of £100, were taken out of the said monastery. He prays for writ of subpœna.

The answer of Christopher Bardesey.

F. I. a.

Defendant says that about 9 Henry VIII. [1517-18] the said Abbot put in a bill, comprehending the greater part of the matter comprised in this bill against him which he answered and because plaintiff could not prove the same he was ordered to pay defendant £5 for his costs, upon pain of £40 to be levied of plaintiff's goods. Besides that, he has often troubled defendant in the courts at York and Lancaster, and in the Abbot's own court at Dalton in Furness, but he was non-suited every time. About 15 years ago, plaintiff let to defendant the said tithe corn for his life without the conditions named in the said bill, he paying therefor 5 marks yearly, which he has always truly paid. As to the said £30 defendant has paid that, and has plaintiff's acquittance

for the same. About August last past plaintiff sent about 20 of his monks and servants arrayed in manner of war, who assaulted defendant while he was gathering in the said tithe corn, for which riot plaintiff and his servants were indicted at Lancaster, before Sir Humphrey Conyngsby, Knight, and are still unacquitted. As to the killing of the said deer, defendant says that Sewode [Sea Wood] is the park of the Earl of Wilts in right of the Lady Cecil, his wife, and that the said Earl has an indictment against plaintiff's servants for hunting and killing the said deer. John Afell, keeper of the said Park, and servant to the said Earl, gave evidence in this matter.

F. I. b. The replication of Alexander, Abbot of Furness.

In consequence of the misdemeanors committed by defendant, plaintiff sent Dane Clapham, his como[ner], to London to get the advice of counsel learned in the law, but, contrary to plaintiff's instructions, he saw persons who advised him wrongly to exhibit a bill of complaint in the court of request, which plaintiff knew to be wrong, and, therefore, would not do. Plaintiff was advised to stop all actions for a time as defendant was very familiar with the jurors in the County Palatine, and had many kinsmen and friends there, and managed to be foreman at one of the Sessions held at Lancaster, and to get his brother-in-law, Henry Kyrby, to be foreman of another jury, so that they might indict plaintiff.

F. I. c. The rejoinder of Christopher Bardesey.

Defendant says that plaintiff did bring an action against him in the said court of request, which he (plaintiff) lost.

F. I. d. Writ addressed to John Hales, Esq., Rauff Rokeby, John Pullyn, and John Burgoyne, dated 11th July, 13 Henry VIII. [1521.]

22nd August, 13 Henry VIII. [1521.]

Interrogatories on the part of Christopher Bardesey, Esq., against the Abbot of Furness, for the payment of 5 marks to the said Abbot for the farm of the said barn and tithe corn of Bardesey, in the 9th, 10th, 11th, and 12th years of King Henry VIII., payable about the Feast of St. Andrew.

William Bardesey, son and heir of the said Christopher, aged 30 years and more, says that 8 or 9 days before St. Andrew's day, 9 Henry VIII. [30th November, 1517] his father sent him to the said Abbot with 66s. 8d. in ready money. Deponent met the said Abbot coming from the "higstable" towards his Church (?) in the said monastery, and then in the presence of Christopher Garner, Ric. Cowper, and William Wodebern offered him the said money and asked for an acquittance in writing. Before the said Abbot was come to his halt he sent to them William Udell (?), his servant, and said that if they would have acquittance thereof in parcell of payment of a "more" sum due to him by the said Bardesey upon a statute of the staple he would give it, else he could not. Upon this answer deponent told out the said sum, and so for non-delivery of the said acquittance departed.

Christopher Garner, of Ursewyk, in Furness, aged 60 years and more says the said Abbot promised to give an acquittance for the said sum of 66s. 8d., but not for the payment of the farm of that year.

Richard Cowper, of Mychelands, in Furness, aged 60 years and more, was present when the said William Bardesey, Christopher Garner, and Sir John Eglesfeld offered and told the said money. As no acquittance was given it was not left there.

William Wodebourne [blank in MS.]

Thomas Richardson, of Mychelands, aged 43 years and more, says that at the request of Christopher Bardesey, he went to the Monastery, and the said Abbot being from home, offered to dane [sic.] John Halton, the prior, 66s. 8d. for the farm of the said tithe barn for that year, who said he would give acquittance for the sum received, but not for the farm, so deponent would not leave the money.

Again, in 12 Henry VIII. [1520-21] deponent, in the presence of Edward Sympson, Sir John Eglesfeld, priest, and Ric. Bakhouse, offered the said Abbot, at Haukershed [Hawkshead], in Furness, 66s. 8d., he being then at a court there, and laid it upon the table. But the Abbot said there was more behind, whereupon

the said Sympson said that if the said Abbot would pay 100s., which the said Christopher had recovered against him by a decree in London, he would pay up all arrearages, but this the Abbot refused to do, as well as to make a yearly acquittance, so no more money was paid at that time.

John Eglesfeld, priest, chaplain to Christopher Bardesey, aged 26 years, says that the Abbot claimed money for 4 years, whereas deponent offered it for 3 years.

F. i. h.

These are the witnesses of Christopher Bardesey for the payments and offers for the farm and rent of the tithe barn and corn.

9 Henry VIII. [1517-18]

Withm Bardsay

Christopher Garn^p

Roger Cowp

Withm Wodboren

10 Henry VIII. [1518-19]

Thomas Richardson

Syer [Sir] John Eglisefeld, prest

Richard Asheburn

Richard Geldart

11 Henry VIII. 1519-20.]

Syer [Sir] John Eglisefeld, preste

Christopher Cokett

Thomas Richardson

Edward Symson

Edward Symson

Richard Bakhowse

Thomas Richardson

F. i. h.

Alexander, Abbot of Furness, in mercey (miserecordia) for many defaults.

The said Abbot was summoned to answer to Mary Penyngton, widow, John Lampleugh, and Gawen Ecclesfeld, executors of the will of John Penyngton, Esq., of the county of Cumberland, on the plea that he owed them 100 marks. The said executors, by John Lawe, their attorney, say, that whereas John, late Abbot of the said Monastery and the Convent of the same place, on the 15th August, 6 Henry VIII. [1514], in the Chapter House of the said Monastery, by deed confessed themselves bound to the said John Penyngton in the said 100 marks, to be paid at Easter then next following. Both the late Abbot and the present one have refused to pay the said money to the damage of plaintiffs of £20.

[Judgment not given.]

ELYN GORTON, WIDOW OF ROGER GORTON *versus* JOHN HARYSON
AND KATHERINE HIS WIFE, PETER WILLIAMSON, LAWRENCE
BRADSHAW AND OTHERS *re* TITLE TO MESSUAGE AND
LANDS AT COCKERSAND AND WESTHAUGHTON
[WESTHOUGHTON.]

To the Right Worshipful Sir Henry Marney, Knight.

ELYN Gorton, widow, late the wife of Roger Gorton, of Westhaughton [Westhoughton], in the county of Lancaster, complains that where the said Roger was seised of a messuage or tenement, with 30 acres of land and pasture in the town of Westhaughton [Westhoughton], which he held of the Abbot of Cokyr-sand [Cockersand] for 19 years, according to the custom of the manor of Westhaughton [Westhoughton], which is, that every man holding lands of the said lordship for such term, shall, at the end of such term, pay to the lord there 1d. called only a "goddess penny," and 1d. for his entry in the lord's rental, and shall hold them again for other 19 years. Furthermore, it has been an "olde Annycient" custom within the said lordship from time immemorial that if a man die within the said term his wife shall peaceably enjoy the said lands for the said term, if she remain unmarried, she paying and doing all the customs and services accustomed.

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The said Roger Gorton died at Westhaughton [Westhoughton], having 16 years then to come of the said term, after whose death plaintiff entered into the said premises and enjoyed them until John Harryson, of Westhaughton [Westhoughton], Peter Williamson, and Hugh Williamson of the same, with 10 others, servants and tenants of the said Abbot, at the command of the said John Harryson, with force and arms, on the 20th March last, entered the said premises, "hurte, bett, and evill intrete" plaintiff, and drove away 2 mares and pounded them unlawfully till they died. They also turned plaintiff out, and will not suffer her to re-enter, "which hath non other thyng erthly to lyve w^t."

Prays that a commission may be directed to certain discreet and worshipful gentlemen of that county to find out the truth of the case.

G. 2. a.

The said Elyn Gorton likewise complains that where in Hilary term last upon a bill of complaint against John Haryson, of Westhaghton [Westhoughton], and the Abbot of Cokersand [Cockersand], it was decreed that plaintiff should peaceably enjoy a messuage and 300 acres of land, meadow and pasture, held of the said Abbot, with let of the said John Haryson, or Katherine his wife, or the said Abbot; by force whereof plaintiff on the 6th March last came to the said premises intending to occupy them, but the said John and Katherine Haryson, Lawrence Bradshawe, Richard Karlile, and John Mayondewe, with other riotous persons, assaulted plaintiff and sorely wounded her, putting her in fear of her life.

Prays that Letters of Privy Seal may be directed to the said offenders.

Hereupon a privy seal to John Henryson, Lawrence Bradshaw, and Ric. Karlyle to appear "viij Johis px."

The answer of John Harrison.

Knows of no such custom within the manor of Westhawton [Westhoughton] as in the bill is surmised.

G. 2. b.

The said Roger Gorton was seised of the said premises for 19 years, and so seised mortgaged a parcell thereof called the Woodehey to Bryan Lee for a sum of money; when this was repaid and before the said Roger married the said Ellen, he sold all the said premises to the said Bryan Lee, to hold one moiety thereof at once and the other moiety immediately after the death of the said Roger. After this bargain, the said Roger and Ellen married. When the said Roger died, the said Bryan occupied all the said premises and by his will bequeathed the same and his interest therein to William Hodschkynson, who accordingly enjoyed the same after his death. In consideration of a marriage between Katherine Hodchkyson one of the daughters of the said William

and the said John Harison, the said William gave the said mesuage and land to the said John, who, by force thereof, enjoyed the same until plaintiff procured the said bill, and in most "ongoodly" wise not only entered the said moiety and took away defendant's corn, goods and chattels, but also spoiled and "inheried" with her ploughs into the ground all the corn that was inbleyed and sown upon 4 acres, parcel of the premises, "beyng growne in heith to the quantite of an hanfull and more above the grounde."

Letters addressed by the King to the Abbot of Cokersand [Cockersand], dated 6th May, 13 Henry VIII. [1521] commanding him personally to appear to answer the said bill.

G. 2. e.

Commission directed to Laurence Starky, Esq. and Mathewe Standyssh, dated 6th November, 14 Henry VIII. [1522.]

G. 2. f.

Acknowledgment of receipt of Commission.

G. 2. g.

Depositions on behalf of Elene Gorton, widow.

G. 2. h.

James Reve, of Westhalghton [Westhoughton], aged 54 years, says that the said Brian Lee never bought the tenant-right of the said tenement now in variance of the said Roger Gorton, neither did he occupy any parcel thereof, during the lifetime of the said Roger, except a close called the Wodhey, which he (Roger) did "lye in morgage" to him for 16s. upon condition that when the said money was repaid the said Roger should re-enter the said close. Afterwards, the said Roger borrowed a great part of the money from defendant, and in his presence, and that of divers others, repaid the said sum to the said Brian, and thereupon re-entered the said close. When the said Brian lent the said 16s. he went about saying that he had bought the said tenement, and after the death of the said Roger obtained a convent seal from the the said late Abbot of Cokersand [Cockersand]. When the said Brian lay on his death-bed he "toke grete repentaunce" for this wrong doing, and said, before divers honest persons, that his soul ought never to be saved unless the said seal was surrendered, and the said Gorton restored to his tenant-right.

Richard Urmeston, of Lostokk [Lostock], gentleman, aged 52; Gefferey Holden, of Lostokk [Lostock], aged 60; Ellys Penhulbury, of Overhulton, aged 60; John Lawe, of Aspull, aged 40; William Wodd, of Aspull, aged 50; Edmund Laythwaite, of Westhalghton, aged 40; and John Laithwaite, of Westhalghton [Westhoughton], aged 50, all depose as above.

Roger Robtson, of Westhalghton [Westhoughton], aged 40; Olyver Browne, of Blakrodd [Blackrod], aged 60; Charles Fraunce, of Aspull, aged 53; Henry Wodward, of Halywell, aged 40; Ellys Gorton, of Horwiche, aged 34; and Richard Fraunce, of Aspull, aged 30 years, depose as above.

Ellys Penhulbury, of Overhulton, aged 60, and Richard Fraunce, of Aspull, aged 34, depose that at the first entry of John Harryson into the said tenement they were within the same with John Gorton and Elys Gorton, who were then tenants thereof, and suddenly about "bedtyme of the nyght" there came Adam Hulton, Esq., deputy steward of the said lordship and with him John Harryson and 40 men in "hernez," and with a ladder broke up the doors of the said house and took out deponents and one Nicholas Gorton and took them to the bailiff's house and threatened to take them to Lancaster unless they gave surety never to go on that ground again, and then punished them because they would not give up the said tenement in order that the said Harrison might be tenant there. And then, contrary to right and law, at the command of the Abbot, who was uncle to the said John Harryson, they delivered to him the "halfendele"¹ of the said house which he occupied for 10 or 12 years contrary to the custom of the said lordship.

Gefferey Holdyn, of Lostoke [Lostock], aged 60 years, says as above.

Sir Geffery Copull, priest, Vicar of Montnasing,² and chantry priest of our blessed Lady of Wigan, aged 56, deposes that on Monday, March 4th, 13 Henry VIII. he, with Sir Adam Platt, went with Elyn Gorton, widow, to the said tenement which was

¹ The moiety. ² *Query*—Mountnessing, in Essex.

decreed to her by the Chancellor of the Duchy of Lancaster, and there found the doors and windows shut and barred. The said Elyn knocked and called and then Katherine Henryson, wife of the said John Harrison, asked what she wanted and said she should not come in, she then opened a window and "kest forthe" at them scalding water, then she took an iron spit and "thrust" forth at the said Sir Adam, intending to have "myscheved" or slain him, which she would have done but that he was "warr" of it and "scholt" it a little aside. In this manner the said Katherine with others kept the said Elyn out of the said house. Afterwards Sir Thomas Gerrerd, Knight, and Matthew Standyshe. Justices of the Peace, heard of this business, and went with deponent to the said tenement to ask who kept it. The said Katherine answered that she did, and intended to do so, and when the said Sir Thomas commanded her to open the door she refused, saying, he must break it open. On the Thursday following, the said Elene, with deponent, went to the said ground with her plough to the intent to plough and occupy it, but the said Katherine gathered 6 of her friends and assaulted and wounded the said Elene, who went in jeopardy of her life, insomuch that she had the rights of the Church. At the Sessions, at Lancaster, held in the 4th week of Lent next after the said Elene made complaint to Master Conyngisbye, Justice of Assize, who committed John Harryson to prison because he disobeyed the said decree, and commanded the said Sir Thomas Gerrerd to put the said Ellen in possession, and to give her a warrant to attack anybody who should withstand her, whereupon the said Sir Thomas sent his servants, Edmund Gerrerd and Thomas Stanley, who put her in peaceable possession thereof, there being nobody in the said house and the doors being left open.

Olyver Browne, of Blakrod, aged 46, and Henry Wodward, of Halywall, aged 40, depose as above. G. 2. j.

Jamys Laithwaite, "our Lady's prest," of the Deane Church, says that he was with Bryan Lee when he lay on his death-bed, and the said Bryan wished that the said convent seal which he had

obtained should be delivered to Gorton, together with the tenant-right. Witness was also with Sir Peris Crompton, then parish priest of the said Deane Church, when he "a noynted" Roger Gorton, at which time he asked him whether he had sold his tenant-right of his house in Westhalghton [Westhoughton], and the said Roger replied most solemnly that he had never sold any part thereof to the said Bryan Lee, except a parcel of land called the Wodhey, for 16s., this sum he had repaid, and had entered again into his said close. Plaintiff has often, since the death of her husband, made suit to the Abbot of Cokersand to be restored to her tenant-right, but without success. At Michaelmas next, after the decease of the said Ellys Gorton, the said Ellen entered again, but the said John Harryson turned her out.

Laurence Starkey,
Matthew Standysse.

G. 2. k. The "proves" of Elyn Gorton, taken on Thursday, 6th June last past.

James Reve, tenant of Westhalghton [Westhoughton], says the said Roger was seised of the said premises.

Elys Pendilbury, of Overhilton, sometime servant to the said Roger, and who lived with him about 50 years, deposes as above.

Olyver Browne, of Blakerode [Blackrod], aged about 53, as above.

Robert Ricroft, of Hay, "vncleson" to the said Ellen Gorton, aged 40, knows that the said Roger, his wife, and his brother occupied the said tenement until 20th March last past.

G. 2. l. Depositions on behalf of John Henryson defendant.

Adam Hulton, Esq., deputy steward of the lordship of Westhalghton [Westhoughton], under Lord Mountegle, aged 49 years and more, deposes that in 19 Henry VII. [1503-4] John Pynnyngton, then of the said lordship, came to him and said that his Master, Abbot Skipton, desired him to admit Brian Lee tenant to the half part of Roger Gorton's tenement, and after the decease of the said Roger, to the whole tenement, as he had bought the

goodwill thereof. Deponent then sent for the said Roger and John and Ellis his brethren to come to his house at Hulton, and told them what he had heard. Roger then said he had borrowed 16s. of the said Brian and pledged to him the Wodhey, but he afterwards repaid the money, but being 2 years behind with his farm he sold to the said Brian the goodwill of his house for 40s. whereof he received in hand 26s. 8d., the residue to be paid to him later on. So the bailiff admitted the said Brian to the said half-part, which he occupied for 3 or 4 years during the lifetime of the said Roger and also after his death. At a court held at Westhalghton [Westhoughton], in the time of Abbot Skipton, the said Roger, and John Gorton his brother, came and asked to be admitted tenants to the said tenement, which the Abbot utterly refused, saying, that the said Roger had sold his right to the said Brian who had a lease by convent seal. After the death of the said Roger, the said Ellen left the said house and for 10 or 12 years made no claim thereto.

Perys Williamson, of Westhalghton [Westhoughton] aged about 36, was present when the said Brian paid to Roger Gorton for the goodwill of the said tenement 26s. 8d. in the house of William Hodgekynson, John Pynnynton, and William Hodgekynson being present.

Davyd Pennyngton, son of John Pynnynton aforesaid, of Westhalghton [Westhoughton], aged about 30, deposes as above.

Thurstan Lee, of Westhalghton [Westhoughton], aged about 68, as above. G. 2. m.

Hugh Forster, of Westhalghton [Westhoughton], aged 50, says that he often worked at the said house, ploughing, &c., and the said Brian paid him his wages, and the said Roger found him in meat and drink.

James Horrokkes, of Hulton, aged 40, says that the said Brian occupied the said tenement during the life of the said Roger and after his death.

Jamys Hall, of Westhalghton [Westhoughton], aged 60, as above ; Roger Horrokkes, Westhalghton [Westhoughton], aged 46, as above ; William Holden, of Westhalghton [Westhoughton], aged 50, as above.

John Makened, of Westhalghton [Westhoughton] aged 30, says that he found the said Bryan Lee setting wikwod and ditching in the ground now in variance.

John Laithwaite, of Westhalghton [Westhoughton], aged 30 years and more, says that he often worked at the said house, mowing, shearing, ditching, setting of wikwod and dealing of corn by "mettes and wyndilles" between the said Brian and Roger. Alyson Fraunce, the wife of Robert Horrokkes, and Katherine Henryson did "schere" corn there, and the said Bryan and Roger set up corn after them. And George Laithwaite, deponent's father, took of the said Bryan an acre of corn to sher, being parcel of the said tenement. The said Bryan paid the wages, and the said Roger gave them meat and drink.

G. 2. n. The Certificate of George, Abbot of Cokersand [Cockersand]. On Tuesday, 28th May last, the said Abbot commanded both parties to come before him in the Church of Garstang, and to bring with them all their proofs. Plaintiff then said that there were certain persons, tenants of the said Abbot in Westhalghton, who could prove her title, but they dare not come forward for fear of the Abbot's displeasure, whereupon the Abbot sent a writing to his bailiff commanding him to let all the tenants know that everybody who knew anything about the said tenement should be heard, and would have the thanks of the Abbot for so doing. They were to appear on Thursday, 6th June.

On behalf of John Harryson.

The said John, for his title showed a lease, in writing, indented under the common seal of the monastery of Cokersand [Cockersand], made by Henry, sometime Abbot there, and the Convent, who let the moiety of the said tenement to William Hokekykson for 19 years, and the other moiety thereof, after the death of John

Gorton, to the said Will. Hokekynson, by virtue whereof he occupied the same until he granted his term and title therein to the said John Harryson, who enjoyed the same until March last, when plaintiff, aided by Roger Bradshawe and Thomas Gerrard, Esqrs., pretended a feigned title to the same.

Adam Hulton, Esq., deputy steward of the said lordship, says that Bryan Lee, by his will, granted his lease under the convent seal to a daughter of William Hokekynson his sister's daughter towards her marriage. Afterwards the said Hokekynson surrendered it to the then Abbot on condition that he should have a new lease, which was given to him and his daughter, who married the said John Harrison.

G. 2. o.

Thomas Kellett, clerk, Vicar of Mitton, sometime "selerer"¹ of the Monastery of Cokersand [Cockersand], and Thurstan Legh, of Westhalghton [Westhoughton], aged 68 years and more, say they were privy to the bargain made between the said Bryan and Roger, and that the latter had surrendered his title to the said tenement long before he married the said Ellen.

Laurans Rygby, of Westhalghton [Westhoughton], aged 70 years and more; Alexander Kerseley, of the same, aged 66 years and more; James Balfronte, of the same, aged 70 years and more; Thomas Cowper, of the same, aged about 60 years; John Lathwayte, of the same, aged 34 years and more; and Gyles Cowper, aged 56 years and more, depose as above.

G. 2. p.

John Heeton, of Heeton, in the county of Lancaster, gentleman, aged about 60, says he heard Sir Thomas Strete, parish priest of Deyne [Deane] Church and Curate of Westhalghton [Westhoughton] say, that he was present when Richard Lee asked the said Bryan, then lying sick and in the "article of dethe," how he came to the said tenement, and the said Bryan answered that he bought the tenant-right of the said Roger, and had truly paid for it, and was admitted tenant with the consent of the Abbots of Cokersand [Cockersand].

¹ Cellarer, officer in charge of the provisions.

John Legh, of Westhalghton [Westhoughton], aged 60 years and more; Rogier Horrokkes, of the same, aged 44 years and more; James Diconson, of the same, aged 50 years and more; and William Holden, of the same, aged about 50, depose as above.

Giles Cowper, of Westhalghton [Westhoughton], aged 56 years and more, was present when William Hokekynson gave knowledge and warning to Thomas Ricroft, uncle to plaintiff, to beware that he did not marry his cousin to the said Roger Gorton, as he had sold his tenant right to Bryan Lee long before, to whom the said Ricroft answered that he did not care about that, as he had goods enough to "ber her out with."

DECREES AND ORDERS, HENRY VIII. BOOK 5, FO. 222.

Wher complaint was made on the behalf of Elyn Gorton, widow, late wyff of Roger Gorton, that wher her said late husbond was lawfully possessed of a mesē w^t xxx acres of lond and pasture in Westhaughton [Westhoughton], and the same held in lese of th' Abbot of Cokersand, &c., &c.

Forasmuch as it semethe to the Chauncellor and Councell of the Duchie of Lancaster, that the said approved Custom may stand with good Right. It is ordered and considered that the saied Elyn shall posses, occupie, and enjoie the saied Mesē and xxx acres of land by all the tyme that she abydith [a widow] and not maryed w^tout lett or interupcon of the saied John Henryson or any other, accordyng to the saied Custom in that behalff, until the saied Henrison haue made ffirder prove before the saied Chauncellor and Councell for his interest in that behalff. And until the tyme that the saied Chauncellor and Councell shall otherwise order and decre in the premysses vpon payn of contempt, &c.

THURSTAN GELYBROND *versus* OTWELL WORSELEY AND SIR
 THOMAS WORSELEY, PRIEST, EXECUTORS OF THE LAST WILL
 OF HUGH WORSELEY, DECEASED, *re* TITLE TO GOODS
 AND CHATTELS AT LEIGH.

To the King our Sovereign Lord.

“**I**N most lamentable wise complayneth” Thurstan Gelybrond that where Hugh a Worseley, gentleman, wrongfully took from him two “pakkes of Marcery Ware” to the value of £22 sterling, for the restoring whereof the said Hugh, with others, was bound to stand by the “warde” of Thomas Lord Stanley, and James Stanley, parson of Wynwyke [Winwick], in the sum of £40, the said award to be given by a certain day which is long past, but no such award ever was given: Now the said Hugh has departed this life, and the said goods have come into the possession of Otwell Worseley, gentleman, and Sir Thomas Worseley, priest, executors of the Will of the said Hugh, who refuse to restore them to plaintiff, to his utter undoing.

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 [Calendar 6.]
 G. 3.
 13 Hen. VIII.
 [1521-22.]

Prays that a Commission may be granted to ascertain the truth of this matter.

The answer of Otnell Worseley and Thomas Worseley.

G. 3. a.

Defendants say that they know nothing whatever about the taking of the said “tow pakkes” surmised in the Will, without that that, &c.

Commission dated 23rd October, 13 Henry VIII. [1521], directed to Sir Thomas Gerrard, Knight, Sir William Leylond, Knight, Matthewe Standysse, and John Urmston.

G. 3. b.

Acknowledgment of receipt of Commission.

G. 3. c.

Articles for witnesses to be examined upon on behalf of Thurston Gelebrond.

Henry Wigan, aged 62 years, deposes that about 52 years ago, when dwelling with Alexander Wigan, parish clerk of Legh [Leigh], he heard plaintiff use the following words: "A lake the tyme that I was borne for all the goodes that I have in this world is takyn from me this day by Hugh Worseley, gentleman, wiche is and shalbe to my utter undoing, and so I had lever he hadd takyng from me my lyff." But deponent cannot say whether or how the said goods came into the hands of the said Otnell and Thomas.

William Hurste, aged 60 years, heard his father say the same as the said Henry Wigan has deposed.

Nicoles Yate, aged 40, as above.

Randill Madderer, and John Madderer, aged 40, and Alex. Smyth and Rauff Smyth, aged 54, as above.

G.3. d. Depositions taken on behalf of the said Otnell and Thomas Worseley.

Sir Jamys Nevor, priest, aged 60 years, knows nothing about the taking of the said two "pakkes."

Neither the said Otnell nor the said Thomas was executor or administrator of the said Hugh Worseley, their father, and the said goods did not come into their possession.

Sir Jefferay Coppull, priest, aged 60, and Sir John Rylance [Rylandds], priest, aged 54, depose as above.

Jamys Wynstandley, Henry Laithwaite, aged 60, Humphrey Rilance, Robt. Rilance [Rylands], aged 54, depose as above.

Alex. Nailer and William Thomlynson, aged 50, Ric. Heypay and Jamys Lee, aged 54, depose as above.

RICHARD HETON *versus* EDMUND GRENEHALGH AND OTHERS,
re DILAPIDATION OF AN AISLE IN CHAPEL IN
 DEAN CHURCH.

To the Right Worshipful Sir Richard Wyngfeld, Knight.

RICHARD Heton,¹ of Heton, in the county of Lancaster, gentleman, complains that where he of his good mind and devotion had to God and to our Blessed Lady caused an "Ile" to be made and built within the Parish Church of Dene [Dean], and paid the greater part of the costs thereof; also within the said "Ile edified a chappell of tymbre." Now, on the 24th August, 14 Henry VIII. [1522], in the "nyght time aboute thre of the Clok in the morning," Edmund Grenehalgh, Hugh Grenehalgh, Olyver Grenehalgh, Jamys Grenehalgh, Olyver Lokwood, Gilbert Grenehalgh, Edmund Turnor, Roger Makynson, Nicholas Mathur, Nicholas Kyrshawe, William Kyrshawe, Arthur Bradshawe, Thomas Grenehalgh, and Robert Grenehalgh, with 26 others, "to theym associate," arrayed in manner of war, came to the said Church of Deene [Dean], and pulled and cut down as well, all the timber work of the said Chapel, as also the altar and posts whereupon the images of the Holy Trinity and St. Anne stood within the said Chapel, upon the which altar 2 masses were celebrated and said to the honour of Almighty God the day before the said riot was committed; the said riotous persons then cut the said timber in pieces and cast it out of the said Church and Churchyard, to the perilous example of all other evil doers, if condign punishment be not inflicted.

Prays for letters of Privy Seal.

Hereupon a privy seal to Edmund Grenehaugh, Th. Grenehaugh, Rog. Makyñ, and Gilbert Grenehaugh to appear 15 Hilary.

¹ In the Visitation of 1533, there is a doubt as to the christian name of the Heyton who heads the pedigree being Richard or Rafe. There can be little doubt but that the founder of the chapel or chantry was the person referred to, and that his name was Richard. He was the father of Lambert Heyton, who, in 1552, claimed "one chalis with a sute of clothes to say masse in," in Deane Church, as he alledged that they belonged to "the heires of Heyton as heir-looms."—*Inventory of Church Goods*, CHETHAM SOCIETY, cvii. 27.

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[Calendar 5.
N.D.]

H. 24.

14 Hen. VIII.
[1522-23.]

HUGH BEXWYK, CLERK, AND JOHAN BEXWYK, WIDOW, *versus*
RALPH HULME AND STEPHEN HULME, *re* TITLE TO
LANDS AND MILLS FOR FOUNDATION OF
MANCHESTER FREE SCHOOL.

To the Right Worshipfull Sir Henry Marney, Knight.

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[Calender 1.
N.D.]
B. 1.
15 Hen. VIII.
[1523-24.]

HENRY Bexwyk, clerk, and Joan Bexwyk, widow, complain that were they for the great zeal, love, and affection which they had to the good and virtuous instruction and bringing up of young children "yn lynnyng of gramer and for the contynuaunce of the same to be had," intended at their own costs to purchase certain lands towards the foundation of a "ffre scole" within the town of Manchester, in the county of Lancaster, and thereupon they being well acquainted with Ralph Hulme, of Manchester, gentleman, which as they thought had good experience in the world to help them to purchase some land for the said purpose, requested him to purchase for them the "Cornemellys and Walkmyllys," of Manchester, with the Walkers Croft and all the water called Yrke, from Ashley Lane to the river called Irwyll, with banks, fishings, and other commodities of Sir Thomas West, Knight, Lord de la Ware, to the use of plaintiffs and their heirs, who would be contented to reward him for his trouble. Plaintiffs then delivered to the said Ralph 10 marks for his charges, and he then communicated with the said Lord de la Ware about a sale of the said premises, and reported to plaintiffs that he had made a bargain for the same for £40, which sum they then handed over to him, besides £20 for his trouble. The said Ralph then went again to the said Lord de la Ware and fully bought the said premises, and took a deed of feoffment thereof to plaintiff and himself, whereupon estate was made of the same to them and him. But he, not regarding the confidence reposed in him, has since enfeoffed Stephen Hulme, his son and heir, of his part of the said Walkmyll and Walker's Croft, by reason whereof the said Stephen is seised of the said premises in his demesne as of fee to the use of plaintiffs and their heirs. The said Ralph and Stephen refuse to give up their share to plaintiffs.

Pray for a Writ of Subpœna.

The answer of Rauff Hulme and Stephen Hulme.

B. I. a.

Defendants say that whereas before this time the said Joan Bexwyke and Thomas Langley, then parson of Prestwyche had a lease for term of years of the old corn mills of Manchester made by Thomas West, Knight, Lord de la Warre, the said Hugh Bexwyke requested the said Ralph Hulme to try and get the said corn mills in fee, paying therefor the yearly rent due and accustomed. This he succeeded in doing, and at the same time bought of the said Lord de la Warre to the use of himself and his heirs the Walke mills of Manchester, with a parcel of land called Walker croft, and all the water of Irke, with all the lands and tenements on either part of the said water out of closure, with the fishing of the said water, from a place called Asheley Lawne to a river called the Irwyll. Afterwards the late Rev. Father in God, Hugh Oldam, late Bishop of Exeter, at his own costs, bought of the said Hugh and Joan to the use of the free school at Manchester all their rights in the said corn mills, and moreover, gave to the said Hugh a benefice in Devonshire of the yearly value of £18, and thereupon newly founded the said school, as by divers books made by the advice of Master Fitzherbert, Justice, now in the keeping of Roger Heyton, one of the executors of the said Bishop, more plainly appears. The said Stephen says that the said Ralph, his father, among other things made an estate to him and his heirs for ever of the said Walke-mylnes and Walker's croft, to the use of the said Ralph and his heirs.

Without that that, &c.

DUCHY OF LANCASHIRE, DECREES AND ORDERS, HENRY VIII.
VOL. 5. F. 247.

Manchester.
Inter Bexwyke
and Holm.

TRINITY TERM, 15 HENRY VIII. [1523.]

It is ordered by the Chancellor and Council that the said Rauff Hulme, before the 1st day of August next, shall release all his right, title, and interest in the premises to the said Hugh and Joan and their heirs. And the said Stephen shall, before the said

day, make estate of all his part of the said Walkermyllys and Walker's croft and other the premises, to the said Hugh and Joan. The said Rauff and Stephen to fulfil the said premises on pain of £100 each.

ELIZABETH HEYBAR *versus* ARTHUR GARDENER, *re* FORCIBLE
ENTRY AND TORTIOUS POSSESSION OF MERSE HALL,
IN THORNHAM.

*To the King's good grace, And to his most Honourable Counsell
of his Duchie of Lancashire.*

Vol. iii.
[Calendar 2.]
H. 2.
15 Hen. VIII.
[1523-24.]

"PITEOUSELY complayneth to yor Highenes yor poore oratrice," Elizabeth Heybar, daughter and heir of Jenkyn Heybar, late of Thornham, within the parish of Cockerham, in the county of Lancaster, that whereas the said Jenkyn died seised of one messuage with appurtenances in Thornham, called Messehall, after whose death the said messuage should descend to your "oratrice" according to the laws of that county, "As the holl cuntry there will report and testefie if they be examyned:" your said oratrix being sole and a poor woman, without help or succour, entered into the said premises about St. Andrew's Day last past [1523], and put into the same a tenant called Henry Kendale, to occupy the same under her and to her use "and so departed out of those partes, trusting to have enjoyed all the same feasible:" Howbeit, after her departure, one Arthur Gardener forcibly and riotously, with 5 or 6 persons unknown, entered the said messuage and "did drawe and cast downe" a great part of the dwelling house and one barn thereto belonging, and put out the said Henry Kendale, to the "gret empoverisheng and undoyng" of your said oratrix and her tenant.

Prays for writ of "privay seall."

[In different handwriting].

Termio Miches A° 11 Henry viij. xv°. H⁹upon. a prive seale to Arthur Gardiner to apper xv. Hill. prox."

JOHN TURNER, UNDER KEEPER OF THE KING'S PARK *versus*
 RICHARD CURWEN AND OTHERS, *re* DEER KILLING IN
 QUERMORE PARK.

*To the Honorable Sir Richard Wyngfield, Knight, Chauncellor
 of the Duchie and Countie Palatyne of Lancastre.*

"**I**N full humble wise sheweth to yor good Mastership," John Turnor, under keeper of the King's Park, of Quermore, in the county of Lancaster, that where he having the charge of keeping the said park as well under the late Lord Mountegle, now deceased, late keeper of the said park, as under Sir Richard Tempest, Knight, "nowe parker or kepar there, hathe endevooured hym self to the best of his pouere (power)" to save the King's game and deer there: Howbeit, one Richard Curwen, of Caton, in the said county, "Squier," Roland Thorneburgh, of Hampesfell, in Cartmell, Esq., William Kirkeby, of Rawclyff, Esq., Walter Curwen, of Wiresdale, gentleman, Robert Sotheworth, of Lancaster, gentleman, John Plesyngton, of Dymples, gentleman, Robert Wasshington, of Hampesfell, gentleman, Thomas Ravynscrofte, of Hampesfell, gentleman, John Laurence, of Halton, in Lonnesdale, gentleman, Oliver Gardyner, of Wessom, yeoman, Rauff Kempe, of Cleveley, "Bocher," and Thomas Middleton, of Holme, in Kendall, gentleman, with other riotous persons, in the months of April, May, June, and July last, and at divers other times, as well by night as by day, with force and arms, have entered into the said park and with "bowes, arrowes, Greyhoundes and other Engynes" have killed divers of the King's deer, and taken them away. They have also, at sundry times, "lyen in awaite" to murder your orator, and they caused certain other persons "disguysed in woman's apparell" to lie in wait to slay him, so that he dare not lie at his own house, nor keep his said office, without great company with him for fear of his life.

"In consideration whereof it may like yor good Mastership to send after" the said Richard Curwen and the other riotous persons to come before you to answer to this bill.

"Trin. xv^o Henry viij. H^oupon a prive seale to Ric. Curwen, Esq., &c., &c., to apper tres^e Michis prox."

Vol. iv.,
 [Calendar 2.]
 T. 1.
 15 Hen. VIII.
 [1523-24.]

RICHARD KERBY *versus* WILLIAM LANCASTER, ROWLAND THORNBROWE, WILLIAM KERBY, CHRISTOPHER BARDSEY, AND ALEXANDER ABBOT OF FOURNES, *re* TITLE TO MESSUAGES AND LANDS AT KERBY HALL MANOR, KERBY IRELEY [KIRKBY IRELETH] MANOR, &c.

*To the Right Worshipfull Sir Richard Wyngfield, Knight,
Chancellor of King's Duchy of Lancastre.*

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N. D.
[Calendar 1
N. D.]
K. I.
15 Hen. VIII.
[1523-24.]

RICHARD Kerby, son of Richard Kerby, deceased, and brother and heir of Henry Kerby, also deceased, son and heir of the said Richard Kerby, complains that where he has several suits depending in the King's Duchy Chamber at Westminster, against Anne Kerby, widow, for the manors of Kerby Hall and Kerby Ireley [Kirkby Ireleth], and for 200 meases, 400 acres of land, 300 acres of pasture, 300 acres of meadow, and 500 acres of wood, in the towns of Kerby [Kirkby], Wrightyngton, Torfor [Torver], and Broughton, and in the fields and parishes thereof, by reason of a gift thereof made to one of the ancestors of the said Richard, the father, and his heirs male: for the true trial of which suits your Mastership, in Michaelmas term last, granted to plaintiff a Commission to be directed to Alexander, the Abbot of Furness, and divers others, which Commission plaintiff has delivered with several bills and answers thereto annexed, appertaining as well to plaintiff as to the said Anne Kerby. As plaintiff was endeavouring with diligence to bring the said Commissioners together for the "spede" of the said suits, on Sunday next before Christmas last, to wit, the 18th December, 16 Henry VIII. [1524], one Roland Thornburgh, William Lancaster, William Kerby, and Christopher Bardsey, with 20 or more other riotous persons, about 11 o'clock of the morning of the said day, at the parish church, the priest being "reversed at messe" there, in manner of war arrayed, at the command of the said Anne Kerby grievously assaulted plaintiff intending shamefully, without pity or mercy, to murder him, if God and good people had not well provided for him, so much so, that the priest fearing a murder would there take place did unrevess himself and would not say mass.

Moreover, the said riotous persons still continue their unlawful assemblies, intending by the stirring and moving of the said Anne to slay plaintiff, and they daily threaten plaintiff so that he dare not approach his own inheritance nor his native country, but is obliged to forsake the same and live here in great poverty.

Prays for writs of Subpoena.

The answer of William Lancaster, Rowland Thornbrowe, and others.

K. 1. a.

Defendants say that they being "feffes" and seised of the said Manor of Kyrkby, in the county of Lancaster, and of the other lands now in variance between the said Richard Kyrkby and the said Anne, caused a court to be held at the Church of Kyrkby, on Saturday, the 17th day of December last [1524], when defendants went to the said manor to see the appearance of the tenants there. At the said court the said Richard Kyrkby, with divers riotous persons, took the court roll out of the said court, after which the said court ended as it was then late. As the Commissioners, to wit, the Abbot of Furness, James Stryklond, Richard Ireton, and Thomas Senomys had arranged to sit on the said Commission at Furness, 4 miles thence, on the Monday following, defendants stayed at Kyrkby, on Saturday night, and on the Sunday heard a "morrowe" mass in the said Church. Plaintiff being present did "sholdder" and trust out the said Rowland Thornbrough being in a "pwe" on his "kneys in his preers," whereupon divers other riotous persons came and helped the said Richard in his mischief, so that the said Thornbrowe was in danger of his life if the parish priest with the Sacrament and other honest persons had not taken plaintiff away.

To the Right Honourable Sir Richard Wingfield, Knight.

Richard Kerby, son of Ric. Kerby, deceased, and brother and heir of Henry Kerby, deceased, son and heir of the said Richard, complains that where his said father was seised in his demense as of fee tail especial, by a gift thereof made to the ancestors of the said Richard the father, of the Manors of Kerby Hall and Kerby

K. 1. b.

Ireley [Kirkby Ireleth], and of 200 meases, 400 acres of land, 300 acres of pasture, 300 acres of meadow, and 400 acres of wood in Kerby, Wrightyngton, Torfor [Torver], and Broughton, which said premises, after the death of the said Richard, descended to the said Henry: Now so it is, that the said Henry having no issue, in consideration that plaintiff was his next heir, and for large sums of money to him paid by John Flemyng for a marriage then to be had between plaintiff and Katherine Flemyng daughter of the said John, granted by indenture to the said John, that if he (Henry) should die without issue male then all the said premises should come to plaintiff according to the old entail, and that the issue male of plaintiff and the said Katherine might inherit the same accordingly. Moreover, the said Henry gave 6 tenements, 80 acres of land, and 8 acres of meadow in Kerby Ireley [Kirkby Ireleth] and Wrightyngton to the said Katherine for her life, with remainder to her heirs male by plaintiff. Now, so it is, that the said covenants of marriage and the assurance of the said premises to the heirs male of the said Richard, the father, have come into the possession of Alexander Abbot of the Monastery of Our Blessed Lady of Furness and William Kerby, by reason whereof they have caused divers untrue estates to be conveyed to them and other persons, intending thereby to disinherit plaintiff.

Prays for Letters of Subpœna.

K. I. C.

The answer of Alexander Abbot of Furness.

Does not know of any such gift in tail of the said premises, but says that he has in his possession a casket closed and locked whereof he has no key, wherein as he supposes are contained divers evidences and charters concerning the said premises, and one Anne Kyrkby, wife of the said Henry, pretends a title to the said lands and to the evidences enclosed in the said casket, but whether she has any title to the same the said Abbot knows not, and he prays that the said Anne may be called into court to interplead with the said Richard Kyrkby. The said Abbot will be at all times ready to deliver the said casket and evidences when the court shall award.

The answer of Richard Kerby.

K. 1. d.

If the said Henry made any such feoffment or will it is void and of none effect as can be proved by an inspection of certain deeds concerning the said premises now remaining in the hands of the said Abbot. Defendant is not guilty of any riot, but says that some of the plaintiffs and their adherents at the command of the said Anne committed certain offences and riots against defendant, and because he complained thereof they exhibited the said bill against him, in order to disinherit him. The said Court Roll of right belongs to defendant after the death of the said Henry his brother.

RICHARD HEYTON *versus* BRYAN HEYTON, *re* INTERROGATORIES CONCERNING THE WOODS AND PASTURES CALLED RIDLEY WOOD AND PARK WOOD, IN HORWICH AND HEATON.

INTERROGATORIES ministered for the part of Bryan Heyton, gentleman, to have Richard Heyton, gentleman, examined upon :

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H. 3.
15 Hen. VIII.
[1523-24.]

First, whether the said Richard Heyton knows a certain pasture and wood called Ridley Wood and the bounds thereof?

Item. In what town the same pasture and wood lye?

Item. Whether the same premises do lye in the town of Horwiche, and whether any part of the said premises do stretch into the town of Heyton [Heaton]?

Item. Whether the said Richard Heyton doth occupy any wood or pasture lying in Horwiche?

Item. Whether there were of Horwiche and Heyton [Heaton] 12 men by William Heyton and Bryan Heyton chosen and sworn to make bounds and sever the said wood called Ridley Wood and the wood called Parke Wood, and what the names of the same 12 men be? And before whom they were sworn? And what they did after they were sworn? And whether they made bounds between Horwiche and Heyton, and what they did sett or appoint the meres or bounds between the said towns?

Item. Whether the said deponent paid to the wife of the said Bryan Heyton 7s. or any other sum of money for one year's farm or occupation of the said wood and pasture now in variance, or any part thereof, between the said Bryan and Richard Heyton.

Item. Whether the said Bryan was in possession of the said parcel of ground, and by how long?

Item. Whether the said Richard Heyton knows a wood called Parke Wood, and the bounds thereof?

Item. Whether the said Richard knoweth the bounds of Ridley Wood, and what they be?

Item. Whether the said Richard knows the bounds between Rydly Wood in Horwyche, and the Parke Woode in Heyton, and what they be?

DECREES AND ORDERS, HENRY VIII. BOOK 7, F. 326.

Where as certeyne variaunce hath been lately had and moved before the Chauncellor and Councell of this courte, betwene one Bryan Heyton partie playntif on the one partie and Richarde Heyton partie defendaut of the oother partie, of for and vpon the right title and possession of a close of pasture and wood lyeing in Horwiche wthin the Countie of Lancaster, called Ridley Wood, whiche the saide Bryan claymeth and pretendeth to have for terme of his life of the gift and graunt of one William Heyton, brother to the saide Bryan Heyton, late owner of the same, as by his saide bill of complaynt appereth more at large vpon w^{ch} variaunce the saide parties were at issue. And for triall thereof divers Commissions have been directed to Andrewe Barton, squier, and others to inquire of the saide variaunce and matter in issue betwene the saide parties, by vertue whereof the saide Andrewe Barton and oother Commissioners appointed and named by the saide parties examined all suche witnesses as eyther of the saide parties did bring before theym, w^{ch} Commissioners of there factes w^t all suche examinations and depositions of witnesses as was had and taken before theym made certificate accordnglie, vpon w^{ch} publication was had by thassent of the saide parties, and divers and sundry dayes given and appoynted by this corte to the

saide parties for the hering of the same which hathe been thoroughlie hard and debated by the lerned Councelle of eyther of the saide parties, and in the presence of the same parties, before the saide Chauncellor and Councell in this present terme of Easter : And fforasmoch as vpon the hering of the saide matter in variance it appered vnto the saide Chauncellor and Councell, as well by the depositions taken for and on the partie of the saide Bryan, as also by a Dede indented, made by the sayde William Heyton, son and heyer of Richarde Heyton, deceased, vnto the said Bryan of the saide close of pasture and wood lyeing in Horwiche aforesaide, for terme of lif of the said plaintiff as by the same shewed vnto this corte appered more at large : And also forasmoch as by divers oother deeds and Evidences shewed to the said Corte of the Duchie it did playnlye appere that the saide Ridley Woode is bounded and mered out as hereafter ensueth, that is to saye, begynneng at the hed of the clogh, w^{ch} is betwene le Stryndes and the Rydlehed, and so descendeth by the water of the said clogh vnto Holton Broke, and so foloweng Holton Broke vnto the boundes betwene Lostok [Lostock] and Ridlegh Woode, and so foloweng those same boundes vnto the water of Yaresworth, and so ascendeng the saide water of Yaresworth vnto Grenewalsyke, and so ascendeng Grenewalssyche vnto one pale whiche is bitwene Rydelegh hed and Horwiche more and so foloweng the said pale vnto the saide clogh w^{ch} is the saide first devision w^{ch} boundes been playnelye set forthe in the Evidences, whereby the Auncetors of the saide parties did purchase and had the said Ridley Woode of the Auncetors of the Lorde La Warr then owner of the same as by the same Evidences doothe playnlye appere : And forasmoch as the saide Complaynant hath shewed and conveyed hym self a good title to the saide Ridley woode by reason of an estate thereof to hym made by the saide William Heyton his brother for the terme of his lif w^{thout} exception made of eny parte thereof : It is, therefore, and for divers oother causes, this corte moveng ordered and decreed by the saide Chauncellor and Councell that the saide Bryan, and his assignes, from hensforthe shall peasible haue, occupie, and

enjoye the saide close of pasture and woode lyeing in Horwiche aforesaide, called Ridley woode according to the saide boundes, and as it is mentioned in the saide dede showed vnto this Corte conteynnyng the saide boundes w^tout lett or interruption of the saide Richarde Heyton, or of any oother person or persons, by his or there meanes, procurement, or abettment, according to the gifte and graunt thereof to him the saide Bryan by the saide William Heyton as is aforesaide made: And that the saide Richarde Heyton and his assignes shall, on this side the Feast of Saynt Mighell, th' archanngell, next comeng, avoyde the possession and occupation of the same, and that nother he, the saide Richarde, nor any oother for hym, from thensforth, shall occupie the saide close or any part or parcell thereof wⁱn the same boundes.

THE ABBOT OF COCKERSAND ABBEY *versus* THE TENANTS OF
THE ABBOT AND OF HIS LORDSHIP OF WESTHOUGHTON,
re DECREE OF THE CHANCELLOR AND COUNCIL
OF THE DUCHY.

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INTERROGATORIES for Roger Heyton to be examined upon:

1. First, whether he have in his keeping a lease made by Thomas West, Knight, Lord la Warr to John Radclyff and William Galey, of the Corn Mylnes at Manchester, for term of years not yet determined, or not?

2. Also whether he have in his keeping an estate made by the said Lord la Warr to Richard Bexwyke and his heirs of the said corn mylnes and other things in the said estate contained, or not?

3. Also whether he have in his keeping an estate made by the same Lord la Warr to the said Hugh Bexwyke, Rauf Hulme, and Joan Bexwyke, widow, and their heirs of the said corn mills of Manchester, the Walke Mill, and Walker Croft, and other things in the said estate contained, or not?

4. Also a lease made for a term of years not yet determined by Sir Hugh Bexwyke, Rauf Hulme, and Joan Bexwyke, widow, to the Master and Company of the College of Manchester of the said corn mills, or not?

5. Also a release made by the said Sir Hugh, Rauf, and Joan of the said mills to the said Master and Company of the said mills and other things, or not?

6. Also an obligation for £100 made by the saide Rauf Hulme to the late Rev. Father in God, Hugh, late Bishop of Exeter, "indoced" upon condition that if the said Rauf made so sure as the said late Bishop and his counsel should devise the said mills, and other things in the said estate, made to the said Hugh, Rauf, and Joan by the said Lord la Warr, the Walke Mill and the Walkercrofte always excepted, or not?

7. Also how many more pieces of evidences, "older and yongar," concerning the free School of Manchester that the said Roger Heyton has in his keeping?

8. Also whether the said Roger for himself and fellows, executors of the late Bishop of Exeter, about the Feast of the Nativity of Our Lady last past, were fully agreed before the Right Worshipful Master Fitzherbert, Justice, that the said Rauf should have from henceforth to him and his heirs for ever the Walke Mill and Walkercroft at Manchester? And that the said Rauf, to the use of the said free School, should "departe" with the corn mills, &c. contained in the said graunt made by the said Lord la Warr.

9. Whether the said Roger and Rauf, before the said Justice, were sworn for the true performance of the said agreement?

10. Whether the said Roger promised the said Rauf 2s. every day for the costs of himself, his servant, and his horses from the time he departed from his own house to London, the time he lay there, and until the time he came to his own house again?

Roger Heton, of London, aged 50 years, examined 2nd July, R. 1. a.
15 Henry VIII. [1523.]

1. To this article he confesses.

2. He has seen such an enfeoffment and had it, but does not remember where it is.

3. To this he confesses.

4. He has a certain box of evidences, but whether he has any such lease he cannot certainly say.

5. Certain writings were made by the said Rauf of the said corn mills to the Master and Company of the said College of Manchester, and because the fishing called the Irke and the river of Irke and the banks were left out of the said writing, the said Rauff claimed interest in the same, the said Master and Fellowship would not seal their part nor receive the said evidence to his knowledge. Deponent thinks he has them but cannot be quite sure as he has never looked for them.

6. To this he confesses.

7. This he does not know ; he never "se" nor knew that any parcel of the premises should be to the use of the said Rauf Hulme and his heirs, but only to the use of a free school and a chantry.

8. Upon communication of the things conteyned in this article before the said Master Fitzherbert, the said Rauff Hulme desired to have the said Walke Mill and Walker's Croft of deponent, but he (deponent) refused, but said that if he (deponent) could get the goodwill of the executors of my lord, and of the executor of Thomas Marla^d and their consent to the said Rauf having the same, then the said Rauff should have deponent's goodwill also ; which said communication was about the said Feast of Our Lady. Thereupon, the said Rauff promised to come to London on St. Luke's day then next following to speak with the said executors. The said Roger with the Prior of Mountagu, one of the said Bishop's executors, attended at London on the said day, and eight days after, for the said cause only, to their great cost, but the said Rauf came not, so that communication is void, because the said executors would not consent to the same.

9, 10. Deponent confesses these articles conditionally, and says, that he promised and did as is abovesaid and as in the said articles is specified.

THOMAS PENSAX, KEEPER OF LATHEGRYME [LAEGRAM] PARK
versus JOHN BRADLEY AND THOMAS BRADLEY *re* DEER
 KILLING.

*To the Right Honorable Sir Richard Wyngfeld, Knyght,
 Chaunceller of the Duchie of Lancaster.*

“AN Infformacion giffen by Thomas Pensax, under keper of
 the Kynges Parke of Lathegryme [Leagram], in the
 countie of Lancaster, agaynst John Bradley of Chepyndale
 [Chipping], and Thomas Bradley, sone and heir of
 the said John, for diverse and sundry offences done by
 the said John Bradley and Thomas Bradley unto the
 Kynges dere and game in the said parke, and in the
 Kynges fforest of Bowland as hereafter ensueth :

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“ffirst the said John Bradley and Thomas Bradley the xxjst
 day of June, in the xvjth yere of the reign of our sovereign the
 Kyng [1524], withe a crossebowe bent and an arowe in the same
 bowe, stode at a certen tre and covered hym self with the said tre
 be cause the dere shuld not fynd hym nor espie hym and there
 coverth standyng caused the said Thomas, and a servant of his,
 whose name the said Pensax knowethe, not to dryve a gret hert to
 the said John Bradley to th’ extent that the said John Bradley
 myght kill hym with his said crossebowe. And the said under
 keper perceyvynge the same, required the said Bradley to sursesse
 and leve of his unlawfull huntyng and distroying of the Kynges
 game which the said Bradley littill regarded, and then the said
 keper kest of his hownd to fray the dere and to let the said John
 of his wicked purpose.”

Edmund Knyghtley

“H^oupon a privy seale to apper tres^e Michis prox. to John
 Bradley and Thomas Bradley.”

WILLIAM PLUMPTRE, CHAPLAIN OF BEWSEY *versus* SIR THOMAS
SOUTHWORTH, KNIGHT, *re* DETENTION OF CASKET OF
MONEY AT BEWSEY.

*To the Ryght Honorable Ser Rycherd Wyngfeld, Knyght,
Chaunceler of the Duchie of Lancashire, and other
the Kynges most discret Counsell of the same.*

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17 Hen. VIII.
[1525-26.]

“IN the most humble and lamentable wyse shewith and complenyth unto your honorable Maistership and discreitt wysdoms,” your orator William Plumtre, of Bewsey, in the county of Lancaster, “Chapellen,” that whereas he was seised of one casket and certain money and other goods therein contained, and so being seised for the great affection which he bare to Sir Thomas Surthworthe, of Samesbury, [Salmesbury] in the said county, Knight, on the 17th day of April, 12 Henry VIII. [1521], delivered to him the said Sir Thomas to be safely kept and redelivered to plaintiff when he should demand the same, as more fully appears by a bill indented made between plaintiff and the said Sir Thomas. Afterwards the said Sir Thomas, “nothing regardyng his worshipec,” broke open the said casket and took from it one “bleder” wherein was contained 100 marks in gold which he still retains.

In Lent, 14 Henry VIII. [1523], plaintiff sued an action of detenne before the King’s Justices at Lancaster, against the said Sir Thomas for wrongfully detaining the said “bleder” and money, whereunto he pleaded and plaintiff replied. Process was then directed to the Sheriff of Lancaster, Sir William Molenex, Knight, to summon a jury, but when they appeared, your orator perceived that they were “ner of kyndred and allyance” to the said Sir Thomas, by reason whereof plaintiff challenged them for the said causes and they were tried and drawn for the same.

Now it is evident to plaintiff, for the reasons aforesaid, that he can have no indifferent trial in the said county, wherefore he prays for a writ of subpœna to be directed to the said Sir Thomas.

[At the foot, in a different handwriting, is written as follows:]

“T. Trin. A° H. viij. xvij°.

H^oupon a prive seale to Sir Thomas Suthworth to apper xv.
Mich prox.”

THOMAS KENYON *versus* JOHN, ABBOT OF WHALLEY, SIR JOHN TOWNELEY, KNIGHT, AND THOMAS WHITAKER, *re* TITLE TO COPYHOLD MESSUAGES AND LANDS: THE DIVERS CUSTOMS OF THE MANORS OF ACRYNTON [ACCRINGTON], BLAKEBURNSHIRE, TODYNGTON [TOTTINGTON], &c., AND OF THE CUSTOMS OF THE FOUR VENITHS, NAMELY, CLYTHEROW [CLITHEROE], IGHLYNN-HILL [IGHTONHILL], ACCRYNGTON, AND COLNE.

To the Right Honourable Sir Thomas More, Knyght.

THOMAS Kenyan, of Acrynton [Accrington], within the county palatyne of Lancaster, son and heir of John Kenyan, deceased, complains that where William Kenyan was seised of 3 meases in Acrynton [Accrington] called Mylnyshagh, Brygholme, and Fernygor, and of 83 acres of land and meadow there in his demesne as of fee, held of the King by copy of court roll: and so seised, the said William surrendered the same to Robert Wamysley, clerk, William Woode, Jeffery Holt, and Thomas Wheteacres, of Holme, in consideration of a marriage had between John Kenyan, son and heir apparent of the said William Kenyan, and Joan, daughter of Thomas Sheparde: to hold to them and their heirs to the use of the heirs of the body of the said John Kenyan after the death of the said William: which said John Kenyan had issue William and plaintiff: after the deaths of the said John Kenyan, senior, and John Kenyan, junior, the said William Kenyan, the son, died without heir of his body: after his death the said feoffees stood seised of the premises to the use of plaintiff and his heirs: How so it is that the Abbot of the Monastery of Whalley, by colour of a pretended bargain made of the premises with Sir John Touneley, Knight, who did “submit” to have bought the same

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of the said William Kenyon, the son, "wiche was a pson y^e had no vse of reason and caryed away wyth force agence his wyll and constreyned to mary ij susters oñ after a nother:" the said Abbot, ever since the death of the said William, has taken the profits of the premises, and plaintiff is of such extreme poverty that he is not able to take any action against him, and even if he did, the said Abbot and Sir John have such might and power that plaintiff could not possibly stand against them.

Prays that a writ of subpœna may be directed against the said Abbot and the said Thomas Whiteacres, commanding them to appear personally to answer the premises.

K. 5. a. Besides the said 3 meases and 83 acres of land, there were 2 messuages and 50 acres of land in Acrynton [Accrington].

The said Sir John Townley was an idiot and had no "perfyte wytt nor use of reason," and was compelled by "duresse" of imprisonment, and by menaces and threats, to sell the said premises without "having anything for it." Plaintiff is likely to be wrongfully disinherited of all the said premises, as well those whereof the surrender was made as also the other 2 messuages and 50 acres of land, which descended from the said William Kenyan, the grandfather to the said William, the son, who never took them up nor paid fine for them, but which descended to plaintiff, and were his entire living after the decease of his said brother.

K. 5. b. The answer of John, Abbot of Whalley.

Defendant says that William Kenyan, plaintiff's grandfather, was seised of the said 3 meases and 83 acres of land and meadow to him and his heirs, and held the same of King Henry VII. by copy of court roll, so seised, he surrendered the same to the said feoffees to the use of certain covenants contained in a pair of indentures tripartite, dated 12th June, 14 Henry VII. [1499]; one of the said covenants was that the said feoffees should suffer Margaret, late wife of the said William Kenyan, the elder, to occupy one mease, called the Brygholme, and certain parcels of the premises for her life after the death of her said husband, she

paying for the same 12s. 4d. yearly ; the remainder thereof to the right heirs of the said William for ever. They (the feoffees) should also suffer Joan, daughter of Miles Kepax, wife of the said William Kenyan, the younger, to have 13s. 4d. for her life out of another parcel of the premises, the Fornygore : The residue of all the premises and the reversions of the estates for terms of lives were to the use of the said William, the elder, and his heirs for ever. After the decease of the said William, the elder, the said use and reversion descended to the said William, the younger, as his "cosyn" and heir, to wit, son of John Kenyan, son and heir of the said William, the elder : Which said William, the younger, being of "good wytt and discrecion" took the profits of the said premises for about 4 or 5 years. He then, for certain sums of money, whereof all is paid to him except £20 which is to be paid to Grace Kenyon his bastard daughter at her age of 12 (she being now about 8) sold the said premises and reversion to Sir John Townley, Knight and John Kepax, who now have the use thereof.

Further answer of the said Abbot.

K. 5. c.

It was agreed by indenture dated 12th June, 14 Henry VII. [1499], that the said William Kenyon, the younger, then being heir apparent of his said grandfather, should marry one of the daughters of Miles Kepax, and that the said William Kenyon, the elder, should surrender the said premises into the hands of 6 feoffees, 3 to be chosen on behalf of the said William and 3 on that of the said Miles : Thomas Whytacre, Robert Ynghame, and George Sutclyff, priest, were for the latter (Miles), and Jeffery Holt, William Woode, and Robert Walmersley for the former.

The said William the elder died seised of the said 2 messuages and 49 acres of land called Icornhurst, which descended to the said William the younger, who, at a halmote of the manor of Acryngton [Accrington], held there the Thursday after the feast of St. Bartholomew the Apostle, 10 Henry VIII. [1518], was admitted tenant thereof, to hold the same to him and his heirs for ever : afterwards he surrendered the said premises into the hands

of John Baxtonden, then "grave" of the manor of Acryngton [Accrington], to the use of John Yngham, William Ridley, Richard Kepax, and Alexander Kenyan, to the use that the said William Kenyan should thereof declare his will at pleasure. For the sum of 100 marks the said William sold the said premises to the said Sir John Townley and John Kepax, and also by his will desired that the said feoffees should surrender the same to the said Sir John and John Kepax and to their heirs for ever: this they would not do, so the said William sued divers writs of subpoena against them. After the said bargain, and before the King's general pardon granted in the 15th year of his reign, an agreement was made between the said Abbot, Sir John Townley, and John Kepax, concerning the premises, by reason whereof divers sums of money were paid by the said Abbot to the said Sir John and John, notwithstanding which the said Abbot has never taken any of the rents or profits thereof. Now it is arranged that the said Abbot shall have the said sums of money returned to him and the said agreement shall be void.

K. 5. d. The answer of Thomas Whytaces.

In consideration of the marriage of the said William Kenyan the younger, and Joan Kepas, daughter of Miles Kepas, the said William Kenyan, the grandfather, surrendered the said premises to the said feoffees to the uses contained in the said indentures. Deponent is and always will be ready to make the said surrender.

K. 5. e. Commission dated 31st Jan., 17 Henry VIII. [1526], directed to Nicholas Tempest, Esq., deputy steward of the lordship of Blackburn [Blackburn] and Acryngton, Richard Rysshton, Esq., and Thomas Grymesshaw.

K. 5. f. Commission dated 17th February, 18 Henry VIII. [1527], directed to Sir Alexander Osbaldeston, Knight, Henry Farryngton, Esq., and Richard Russheton, Esq.

K. 5. g. We, Nicholas Tempest and Thomas Grymeshaygh, at Whalley, 18th May, 18 Henry VIII. [1527], called before us the said John, Abbot of Whalley, and Thomas Kenyan, whose answers we now send.

On the said day Sir John Townley and John Kepax brought in the said indenture tripartite.

And plaintiff exhibited another part of the said indenture made between William Kenyan, his grandfather, and Miles Kepax, for a marriage to be had between William Kenyan the *elder*, (?) brother of plaintiff, and a daughter of the said Miles.

Richard Ryssheton called the said Abbot and Thomas Kenyan before him at Whalley, 30th May, 18 Henry VIII. [1526]. (Here the said marriage is spoken of as between William Kenean the *younger*, brother of plaintiff.) K. 5. h.

The Certificate of Sir Alexander Osbaldston, Knight, Henry Farryngton, Esq., and Richard Rysshton, Esq. K. 5. i.

The said Commissioners first met at Whalley, 8th April, 18 Henry VIII. [1527]; secondly at Acryngton, 9th April in the said year; and thirdly at Whalley, 28th April, 19 Henry VIII. [1528].

The said Sir John Towneley and John Kepax show an indenture made 17th Oct., 13 Henry VIII. [1521], between William Kenyan, son and heir of John Kenyan, on the one part, and John Towneley, Knight, and John Kepas of the other part [indenture here given at length], stating that Wm. Kenyan, the grandfather, enfeofed Thomas Whitacre and others of 3 messuages and 83 acres of land in Acryngton [Accrington], to the uses specified in an indenture dated 12th June, 14 Henry VIII. [1523]. The said feoffees to surrender the said premises to the said Sir John and John when requested. John Ingham, of Fullege, the younger, Richard Kepas, son of John Kepas, William Riley, son and heir of Thomas Riley, and Alexander Kenyan, son of George Kenyan, to be seised of a mease called Hycornehurst, now in the holding of Thomas and Edward Kenyan, to the use of the said Sir John and John Kepas for ever, they paying for all the said premises 100 marks. £20 to be paid to Grace Kenyan, daughter of the said William, or if she die, to Elen, her mother.

Witnesses to the said indenture, Nic. Tempest, Esq., John Nowell, Esq., John Hoghton, gentleman, Ric. Whitacre, Nic. Ryshton, and many others [not named].

The said Sir John and John Kepas likewise showed an acquittance dated 19th Oct., 13 Henry VIII. [1521], whereby the said William Kenyan, junior, acknowledges the receipt of 50 marks in part payment of 100 marks, for which he sold to them the 3 messuages called Mylneshay, Brigholme, and Fernegore, and another messuage called Hycornehurst.

K. 5. j. Interrogatories on behalf of Thomas Kenyan.

K. 5. k. Same on behalf of Sir John Towneley, Knight, and John Kepas.

K. 5. l. Examinations of divers persons, as well old as new customers, in Blakeburnshire [Blackburnshire], within the "venit" of Acrington, and other customers in Todyngton [Tottington], without the 4 "veniths" of Blakeburnshire, and of divers others not being customers in Acryngton [Accrington], Oswaldwysill, Harwode, Magna, Todyngton [Tottington], Haslyngdeyn [Haslingden], and Clayton on the Moors, taken at Clayton "negh" Acryngton, 9th April, 18 Henry VIII. [1527].

1. All the said customers, to wit, Nicholas Grymeshagh, John Aitalgh, John Ruddyng, Henry Cowop, William Rothwell, old customers of Acryngton; Robert Rysshton, Thomas Walmysley, Henry Cundcliff, Laurence Holdeyn, George Walmysley, Christopher Riley, Edward Riley the younger, Edward Riley the elder, Randill Riley, Ovan Riley, Rauff Riley, Raynold Yngham, Geffra Taileor, John Nuttow, Henry Holden, new customers of Acryngton; Henry Rawstorne, Edward Rōmysbothom, John Elcok, Edmund Rothwell, William Holt, Ric. Both, Thomas . . . worth, Geffra Holt, Robert Elton, John Brigge, customers of Todyngton [Tottington], say that the said 3 messuages in Acryngton [Accrington] and the said 2 messuages there called Thykynhirst, and all other the lands of William Kenyan, should wholly remain to John Kenyan and the heirs of his body.

2. Any person having feoffees to his use of copyhold or customary lands held of the manor of Acryngton, the sale of that person having but a use in the said lands is void.

3. Any person alienating or selling any copyhold land held of the said manor, must be in the copy thereof and himself make a surrender thereof, otherwise the sale is void.

4. Wm. Kenyan, father of the said John, made surrender of the said 3 messuages and 83 acres of land to Will a Wode, Thomas Whetakre, Jeffrey Holt, and Robt. Walmersley.

5. Wm. Kenyan, junior, was a man "of symple reason and discrecion and rather of the worse sorte of men then of the better, bot he was no ydiott."

8. Geo. Kenyan says the said John Kepas took the said Wm. Kenyan out of the lordship of Harwod against his will, and bound him with a "leisshe."

8. Ric. Stanworth and Nic. Holcarre saw the said William bound, but did not know where he was going.

9. Sir John Towneley took the profits of the said premises for 5 years.

11. Wm. Kenyan, the grandfather, died seised of all the said premises.

12. The said 2 messuages and 50 acres of land descended to the said William, junior, because the said John Kenyan, his father, was dead.

13. Wm. Kenyan paid no fine to the King for the said 2 messuages and 50 acres of land, but the tenants thereof paid it.

14. Geo. Kenyan and Rauff Kenyan took upon them to be "attornaiey" by their own assent to be admitted to the fine for the said lands for the said Wm. junior, unknown to him as he was about 8 miles away from the court on that day.

15. The custom of the said manor is, and has been, that the tenants there may not make "attornaiey" without the assent of the right heir himself.

16. Thos. Kenyan, plaintiff, is son and heir of the said John and brother and heir of the said Wm. the younger.

The persons following being not customers but inhabitants of Blakeburnshire, to wit, William Chetam, Edward Kenyan, John Hargrevez, of Acryngton; John Hackyng, Edward Undysworth, William Grymeshagh, Christopher Ducworth, of Oswaldwysill; Christopher Cundcliff, James Lyvessey, of Much Harwode; Henry Wode, of Todyngton; John Rōmysbothom, Charles Nuttow, of Haslyngdeyn; and Robert Cundcliff, of Clayton on the Moors, say that all the above depositions made on behalf of plaintiff are true.

13th May, 19 Henry VIII. [1527], Alex. Osbaldston, Knight, Henr. Faryngton, Ric. Ryssheton.

K. 5. m.

At the same time and place the said Sir John Townley and John Kepas [produced] copies of 2 fines taken out of the King's records which they affirm to be true, the tenor whereof is as follows:

Halmote of the manor of Acryngton [Accrington], held there on Thursday next after the feast of St. Bartholomew, 10 Henry VIII. [1519].

Inquisition taken by the oath of Gilbert Holden, Hugh Gartside, Richard Birtwisill, Thomas Cowop, Mathew Jakson, Thomas Riley, Nicholas Grymeshay, Peter Riley, William Rothwell, Robert Dureden, senior, Robert Dureden, junior, Nicholas Rushton, John Riddyng, Thomas Birtwisill, Robert Wadyngton, and Roger Riley, who say that 1 messuage and 49 acres of land and meadow called Iccornhurst, in Acryngton [Accrington], came into the hands of the King by the death of William Kenean, senior; William Kenneon, son of John Kenneon, is his kinsman and next heir, and is of full age. The said William, by Henry Walton, his attorney, came and prayed to be admitted to the fine, proclamation being made according to custom. Thereupon came Margaret, late the wife of the said William Kenneon, senior, and prohibited the fine for her dower during her life. Then the said William, junior, came and found for his pledges Ric. Birtwisill and Thomas Riley, to answer to the said Margaret. When the second

proclamation was made nobody prohibited, so the said premises were demised to the said William by the steward: to hold to him and his heirs for ever.

At the halmote of the said manor held at Acryngton [Accrington] on Thursday next after Passion Sunday, 13 Henry VIII. [1522].

John Baxtonden reve (prepositus) surrendered into the hands of the King 1 messuage and 49 acres of land called Iccornehurst, which William Kenneon, junior, delivered to him to the use of John Ingham, junior, of Fulhege; Will. Riley, son of Thomas Riley, Richard Kepax, son of John Kepax, and Alexander Kenneon, who prayed to be admitted to the fine. Thomas Kenneon, brother of the said William, prohibits the said fine as of right of inheritance. The said Margaret also comes and prohibits as above. Then the said feoffees find pledges Gilbert Holden, gentleman, Hugh Gartside, and Nicholas Russhton, and the said premises are demised to them: to hold to them and their heirs for ever.

Depositions of divers persons, old customers within the 4 veniths in Blakeburneshire, to wit, Clytherowe, Ightynhill, Acryngton, and Colne, taken at Whalley and Acryngton, 8th and 9th April, 18 Henry VIII. [1527], and at other times.

1. Nicholas Tempest, Esq., at Whalley, 8th April, 18 Henry VIII. [1527], says that Wm. Kenyan, brother of Thos. Kenyan, now living, was no idiot.

4. 5. The surrender was made as abovesaid.

6, 7. The custom of the said manor is that tenants may make feoffees in their copyhold land to their use, and may also declare their wills of the same use.

8. Tenants may sell the said use of the copyhold land if the use and will thereof be fulfilled.

9. If the tenant having the said use die, having made no will nor sale thereof, the next heir shall have the use.

10. The said Wood, Whitacre, and others, were seised of the lands now in variance to the use of John Kenyan and the heirs of his body, as appears by the fine thereof made.

11. The said Sir John Townley and John Kepas bought the said lands of William Kenyan.

12. After they had bought the same, they and the said William sued to have surrender thereof that they might be admitted tenants.

13. Any discord that may arise shall only be tried within the said 4 veniths and by the customers there.

William Banaster, gentleman, deposes as above.

K. 5. n. John Deyne, gentleman, deposes as above.

1-7. William Lister, Esq., as above.

8. If the customer and the feoffee to his use take the profits to the customer's own use, and his will is fulfilled, then the sale is good.

John Hoghton, Esq., Henry Towneley, gentleman, Nicholas Banaster, Esq., Christopher Lister, gentleman, Gilbert Holden, gentleman, John Rysshworth, Esq., Symon Haydok, gentleman, Robert Banaster, gentleman, George Hoghton, gentleman, Richard Halsted, yeoman, Lionell Felle, yeoman, Henry Whiteacre, gentleman, Nicholas Rysshton, gentleman, Richard Whiteacre, gentleman, John Ingham, yeoman, Hen. Walton, the younger, yeoman, Hen. Walton, the elder, yeoman, and John Hertley, yeoman, depose as above.

The said John Hoghton was present at the sealing of such writings as were made of the said sale.

Thomas Lister, gentleman, customer of Ightynhill, examined at Whalley, 28th April, 19 Henry VIII. [1527], says that Will. Kenyan was no idiot.

Laurence Shotilworth, gentleman, James Bancroft, Edward Tatersall, Hugh Habryngham, William Foldes, William Pycope, John Wode, William Both, John Robynson, James Whiteacre,

William Smyth, Robert Smyth, old customers of Ightynhill; Peres Riley, Edward Willishill, old customers of Acryngton; Robert Taileor, John Hirde, John Taleor, Thomas Kendell, Richard Symson, Hen. Dawson, Hen. Michcok, Rauff Murton, Nic. Westby, Ric. Altam, Christopher Crumbok, old customers of Chatburne, Penhilton, and Worston; John Jacson, James Michell, James Mershten, Richard Foldes, Hen. Emot, James Emot, Rob. Hargrevez, and John Swayne, old customers of Colne, depose as above.

Sir Richard Wode, of Harwode, priest, says he was "gostly fader" to the said Will. Kenyan, the younger, and often heard his confession, but never perceived that he was an idiot: he had sufficient discretion, wit, and understanding.

John Seller, Vicar of Whalley, heard the last confession of the said William Kenyan, which he made like a true Christian man in his right mind.

Edmund Dynkley, Sacristan of Whalley, attended the said William in his last day, and examined him in many things concerning his belief and soul's health, and found he was "goddes mon" and no idiot.

John Kepas, Miles Smyth, Laurence Hargreves, Miles Bawdyn, and John Hertley, say that the said Will. Kenyan, at the request of the said John Kepas, agreed without compulsion, "cohesion or manessyng," to go with him out of Much Harwode "to such place as he did bring him." The said Will. was not bound in any way, but was "at his fre liberty."

RICHARD TOWNLEY, FARMER OF THE KING'S COAL MINES IN
BRUNLEY [BURNLEY] WASTE GROUND *versus* HUGH HABERGHAM
AND OTHERS THE KING'S TENANTS, *re* CLAIM TO COAL FOR
FUEL IN THE SOIL CALLED BRODEHEDD, IN BRUNLEY
[BURNLEY], &c., &c.

*To the Right Worshipfull Sir Thomas More, Knight, the Kynge's
Chauncelor of his Duchie of Lancastre.*

Vol. xix.
[Calendar 13.]
T. 3.
18 Hen. VIII.
[1526-27.]

RICHARD Towneley, gentleman, complains that where the King is seised in his demesne as of fee of a certain waste ground in Brunley, in the county of Lancaster, called the Brode Hedd [see p. 150], in right of his Duchy of Lancaster, within which said waste ground there are divers coal mines otherwise called "Cole beddes." So seised, his Majesty, by Letters Patent, in Hilary term last, demised to plaintiff all the said coal mines, with liberty to dig and work in the said waste ground and to get up the coals there, for 20 years then next following, by force whereof plaintiff has divers men digging up coal there: But so it is that about the 7th May, 18 Henry VIII. [1526], Hugh Habyrjam, Laurence Shottleworth, Nicholas Shotilworth, gentleman, Nicholas Bancroft, Henry Herger, William Whiteacre, William Foldes, Giles Wilkynson, Richard Townen, Robert Smyth, Thomas Holgate, William Pecoppe, and Edward Tatersall, with 80 and more of the King's tenants and other inhabitants of Blakeburnshire, unlawfully assembled at Bromeley [Burnley] afore-said, riotously entered the said waste ground, and the said coal mines and coal beds "brake and hewed in peces and them utterly hurte, brake, and destroyed," and the same still keep in such a forcible manner that neither plaintiff nor his servants dare repair thither to take the profits thereof.

Prays that writ of Privy Seal may be directed to the said riotous persons, commanding them to appear to answer the premises, and that Sir Richard Tempest, Knight, the King's steward of Blakeburnshire, may have commandment to order the said tenants to meddle no more with the said coal beds.

Easter term, 17 and 18 Henry VIII. [1526].

Hereupon a Privy Seal to Hugh Habyrjambe, gentleman, to appear xv. Michaelmes next.

Another to Henry Herger to appear on the said day.

Another to William Whiteacre to appear on the said day.

Another to Alex. Watmowe to appear on the said day.

The answer of Heugh Harbarjam, Henry Herger, Rycharde Towneley, and Robt. Sutcliff, as well for themselves as for other inhabitants of Brunley. T. 3. a.

Defendants do not know of any such lease made of any such coal mines.

They have long been tenants to the King as of his manor of Igħnyll [Ightonhill], and also the inhabitants within the said town of Brunley: which said town of Brunley has from time immemorial been a village and town, and the tenants of the said manor and their predecessors have always been accustomed to have sufficient coal for their fuel, for their necessary occupation and burning within their houses, to be taken from such coal pits and coal mines in the said common and waste ground, as to them should seem meet and convenient, and to take the same at their pleasure, without paying anything for it: by force whereof all the defendants, on the said 7th May, in a peaceable manner, came to the said ground and dug for coal as they were wont to do.

The replication of Richard Townley. T. 3. b.

Plaintiff says that the said tenants have not been accustomed to have any coal for their fuel from any of the mines within the said waste ground.

Commission dated 18th Nov., 18 Henry VIII. [1526], directed to Sir Richard Tempest, Knight, Henry Farington, Esq., Nicholas Tempest, Esq., and Richard Smythe, Clerk, parson of Bury. T. 3. c.

I [no name given anywhere on document] have received the King's commandment directed to me from London 25th May last, and executed the same at Burneley the 7th June, at a court held there. I called before me Hugh Habringham and others, T. 3. d.

and enquired why they so "misused" themselves to Richard Towneley, Esq., the King's farmer of the coal mines called Brodheyde. They denied any riot and said that they and their ancestors had always been accustomed to have their coals free from the said ground without paying anything, which they can prove. I thereupon commanded them not to "intromyt" themselves any further with the said coal mines until your Mastership's further pleasure was known therein, which command they have obeyed up to the present time. Divers of the said persons have come up to know your pleasure. From Bollyng, 20th June.

T. 3. c. Interrogatories whereupon Hugh Haberjean and others shall be examined.

T. 3. f. Certificate of Sir Richard Tempest and other Commissioners. Saying that they called the parties before them at Colne, near adjoining the said coal mine called Brodheyde, the 16th day of March last past, and took their answers as follows:

On behalf of plaintiff.

Robert Rushton, of Antley, aged 35, says that there were quite 80 persons at Brodheide, as is submitted in the said bill, and that plaintiff came there and showed to them the King's lease of the said coal mines, commanding them by virtue there not to meddle with them nor to dig up coals there, whereupon Richard Towneley, Hugh Habringham, and others of the defendants answered, "the leasse is of non attorite to discharge vs withall except ye will discharge us by the Sworde." That plaintiff said he would not do, whereupon defendants occupied the said coal mines until the steward of the county "did take theym up from dyggyng of the seyd Collery." Deponent was present when the above took place.

John Nowell, of Pendill [Pendle], aged 46 years, and John Parker, of the same age, depose as above.

Laurence Flecher, of Habringham Evez [Habergham Eaves] (where he has lived ever since he was born), aged 80 years, says that about 80 years ago, Thomas Watmowghe and William Watmowghe searched for "yren Stone" in the said ground called

Brodhede, and that while searching they found "Myne Colles." Before that time he never heard of any coals being found there, but since then they have been found freely without any rent being paid for them.

John Kepax, of Colne, yeoman, aged 50 years, deposes that Edward Tattersall, his grandfather, said that he could remember "sense no Colles was gotten at Brodheyde."

Richard Halsted, of Habringham Eves [Habergham Eaves], aged 53, says that he never had coals at Brodheide but what he paid for, but that he might have got coals himself without let of any man, as many others do.

George Halsted, aged 40, of the township of Burneley, deposes as above.

John Aspeden, of the said township, aged 40; James Pollerd, of the same, aged 36; Richard Sayger, of the same, aged 50, depose as above.

Alexander Watmogh, of Habringham Eves [Habergham Eaves], aged 30, says that he and his father have "gotten" coals at Brodheyde for 17 years, and have sold them amongst the inhabitants of Burneley town "by a certen price."

James Robert, aged 79, of the parish of Burneley, where he has lived 60 years, says that Edward Robert, his father, told him that William Watmoghe and Thomas Bretheram (?) occupied a "blomesmethe" for many years in Bentley Wood, and about 80 years ago searched for iron stone in Brodheide and "their a doying" found a coal bed which was the first time to his knowledge that coal was ever found there. After the emparking of Bentley Wood the said smithy could no longer be occupied, so Henry Watmoghe, son of the said Thomas, in order to get a living, mined coals upon the said Brodheide and sold them, and set up the first "Turne or Wyndglasse" that ever was set there. Neither deponent or any others had need to get coal for their fuel, because they had plenty of wood from the forests and turves at their liberty which are now decayed and restrained from them. All the inhabitants there could freely get coals in the same manner as the said Watmoghe.

On behalf of defendants.

Robert Wittacre, of Burneley, aged 84, says that to his remembrance coals were got for 60 years and more by William Watmogh, and after him by John Tattersall and divers others, without paying any rent.

John Dugdale, of Chatburne, aged 84, deposes that he bought coals of Alexander Watmowgh and paid for them.

Dioness Ryley, of Accryngton, aged 60 and more, says the King's tenants of Burneley, in his time, were wont to get coals at Brodheide as he "wenyth and troweth."

Olyver Clayton, of the township of Burneley, aged 80 years, never knew of any coals being sold at Brodheide.

Gilbert Ewod, John Aspeden (the elder), Gylez Flecher, John Wyndill, John Shakilton, Jamys Bancroft, Lyonell Croder, Edmund Redehalg, Robert Smyth, George Brethe, Robert Bradley, Thurstan Law, William Foldes, Thomas Holgayt, Laurens Halsted, Gilles Wilkynson, Laurens Wyndill, John Flecher (cardmaker), William Yngham, Christopher Jackson, Geffery Wilkynson, Robert Heygyn, John Hoppey, John Tattersall, Robert Walker, John Browne, Roger Lee, Thomas Flecher (shoemaker), Rauff Aglott, Richard Johnson, William Wittacre, Richard Walker, Thomas More, John Heyworth, Richard Wilson, Edward Tattersall, Nicoles Bancroft, Richard Hirstwod, Richard Clayton, William Smyth, Thomas Robynson, Miles Aspeden, Thomas Sutclyff, John Walker, William Habringham, William Bothe, William Whytheide, William Pecopp, John Herreson, Thomas Dawson, James Hayroppe, Xpofer Milner, Thomas Wamorsley, Richard Lache, Edward Walmersley, Geffery Hergreves, Henry Heyggyn, Henry Lee, John Habringham, James Heippe, Xpofer Wittacre, Edmund Spenser, John Smyth of Brereclyff, Robert Waddynton, Laurens Parker, Henry Shottilworth, inhabitants within the township of Brunley, depose as above.

Ric. Tempest.

Ric. Smyth, prest.

Jamys bancroft	xxij.	fother. ¹	Robert Ynggam	ij.	fother.
Lawrens Shottelworthe ..	i.	„	William schore	ij.	„
Nych. Shottelworthe ...	v.	„	vx' John Roberdshay ...	ij.	„
Nych. bancroft.....	ij.	„	Edmund Bothe	ij.	„
vx' John Ynggam.....	ij.	„	Thomas Holgate.....	iiij.	„
vx' Henre Shyrlaker ...	iiij.	„	Ryc. Lee	j.	„
Ryc. Towneley.....	xiiij.	„	John Ynggam	ix.	„
Gylbert Ewode.....	v.	„	Ryc. Wallker	iiij.	„
Robert Smyth	xxj.	„	vx' Hather Pyley	ij.	„
vx' Thomas Smyth	viiij.	„	Gyles Claton	j.	„
Ryc. Halsted	vi.	„	John Browne	j.	„
Ryc. Claton	iiij.	„	Thurston Law.....	iiij.	„
Margaret Walshay	ij.	„	Jamys Heppe	iiij.	„
Robert Walker.....	vij.	„	Lawrens Hey	ij.	„
Thomas Fleccher.....	ij.	„	Halyn Yggyn	viiij.	„
Robert Crabtre.....	ij.	„	Edward brege	ij.	„
vx' John Sutelyffe.	ij.	„	Thomas Robynson	ij.	„
Myls Aspeden.....	v.	„	Gyles Fleccher	vj.	„
Robert Bradlay.....	ix.	„	Edward tatersall.....	ix.	„
George Hargreves	vi.	„	John Jakeson	j.	„
vx' Myles Crabtre.....	ij.	„	Jenet Walker	iiij.	„
Edward Rydyng	j.	„	Henre Lee	iiij.	„
Myls Fleccher.....	ij.	„	Alysandr. Watmogh	xij.	„
John Towneley... ..	ij.	„	Hugh Habbergam	xij.	„
Lawrens Crowcher	iiij.	„	Ryc. Wylson	x.	„
Nych. Robynson	vij.	„	Willm. taileor.....	ij.	„
John Ynggam	ij.	„	Willm. foldes, Junior... ..	j.	„
Rawffe Jakson	ij.	„	Jamys pylling.....	j.	„
John Perker	ij.	„	Willm. Smyth.....	viiij.	„
Margaret Scote.....	j.	„	Thomas More	j.	„
John Claton	j.	„	Willm. Watmogh	vij.	„
Nych. Zate	ij.	„	Ryc. Sagher.....	j.	„
Ryc. Colynson	j.	„	vx' Lawrens tat'sall	ij.	„
Edward Polard.....	ij.	„	Willm. fleccher	ij.	„
Wyllym Wylson	j.	„	John Wod	ij.	„
Thomas Fleccher.....	ij.	„	Lawrens Watmogh.....	ij.	„
John Smyth... ..	ij.	„	Ryc. Hyrstwod	ij.	„
Wyllm. bolton	vij.	„	Ryc. Wytaker.....	xiiij.	„
vx' Edmund tat'sall.....	ix.	„	vx' Randall Lee	j.	„
Wyllm. Wode	j.	„	Rawffe taleyor	iiij.	„

¹ A fother equals 19 cwt.

T. 3. h.	John Fleccher	ij. fother.	George Jakeson	j. fother.
	Ryc. P'ker	ij. „	John Towneley, senior ...	j. „
	John Shakyllton	ij. „	John Fleccher, of Brunley	xj. „
	Gyles Wylkynson	ij. „	George Halsted	ij. „
	Robert Sutclyffe	xij. „	Ryc. Witaker	j. „
	Nych. Arger	ij. „	John Hoppay	j. „
	Ryc. bentā	vij. „	vx' Henr. Wytaker	j. „
	Thomas Sutclyffe	j. „	John Hey	ij. „
	Rawffe Hagland	j. „	Omfar Wolfendē	j. „
	Edmund Rudehalgh ...	ij. „	John goldsquire	j. „
	Roger Lee	ij. „	Willm. Plattes	v. „
	Thomas brege	j. „	Alys taleor	ij. „
	vx' Thomas Hepe	ij. „	Xpofer Horton	j. „
	Wyllm. Pecope	ij. „	Nych. Cranym	ij. „
	Wyllm. Wytteker	ij. „	John Aspeden	j. „
	Wyllm. gybbys	ij. „	vx' Lionnell corwther	j. „
	John Waryng	ij. „	Daved tūson	j. „
	Thomas M'croft	iiij. „	Edmūd Ryschton	j. „
	Wyllm. Habbergam	ij. „	Lawrens Parker	ij. „
	Lawrens Wyndyll	j. „		

M^d it ys orderyd that eu^y of the psones aboue namyd shall pay to the Kynges fferm^s iijd. for eu^y ffother aboue exp^sssid.

Thomas More, Knyght.

T. 3. i.

Hugh Haberjambe, of Burnley, gentleman, aged 40, says that he came to the said waste ground alone to the intent to dig coal and for no ill intent. There he found some persons, and others came after, to the number altogether of 30, also to dig coals and to hear what authority the said Richard Townley had therein.

3. As a rule so many did not go to dig coals, but deponent thinks they went to hear Ric. Townley.

4. Some had staves and spades to dig with as they usually had; others had nothing in their hands.

5. Plaintiff openly showed to the persons assembled on the said waste ground the King's Letters Patent under his great seal of the Duchy of Lancaster, made to him of all the King's coal pits and coal beds within the said waste ground for a term of certain years yet to come, and then forbad them in the King's name to dig any more coals there.

6, 7. Ric. Towneley, of Brunley, did not answer plaintiff, and say that they would dig coals there unless they were taken up by the sword; neither did Hugh Habergam say that he would compel plaintiff to allow them to get coals there.

1. Robert Sutclyff, of Clyffton, aged 68 years, says that the day before the said 7th day he went to plaintiff to his lodgings and asked him how he should be "demeaned" for digging coals, and plaintiff answered that if he would go to the said coal pits on the morrow he should know his authority and what he intended doing, so deponent went for that reason only, meaning no ill. He there found about 30 others who had gone in like manner.

Richard Towneley, of Royle, aged 44, deposes that as he was going to the said ground called Brodehede he met Ric. Whiteacre and Wm. a ffoldes, who were going there on the same errand as himself, namely, to dig up coals.

T. 3. j.

3. There were often as many as 30 persons on the said ground.

4. The said persons had staves with them such as they used when going to Church, for it was a procession day in "gange"¹ week, and so divers came that way.

7. Did not hear any unfitting words spoken by Henry Harger.

1. Henry Harger, of Burneley, aged 48, says that several of the persons who went to the said ground on the said day took baskets and "pokes" with them in which to carry away coals.

4. They carried no weapons, but some of them had staves.

7. After plaintiff had read his indenture to them deponent answered that there was nothing therein to prevent them digging coal as they had been accustomed to do.

¹ Rogation week, when the parish was perambulated.

WILLIAM MORE, MAYOR OF LIVERPOOL, *versus* SIR WILLIAM
MOLYNEUX, KNIGHT, AND OTHERS, *re* POSSESSION OF
LANDS IN POUND BREACH AT KIRKDALE AND
LIVERPOOL.

*To the Ryght Worshipfull Sir Thomas More, Knyght,
Chauncelor of the Duchie of Lancastre.*

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[Calendar 2.]
M. 4.
18 Hen. VIII.
[1526-27.]

“IN most humble wyse Complanyng sheweth unto yor Master-shippe yor Oritor” William More, Esq., that whereas he was peaceably seised in his demesne as of fee of one “Mese or half Burgage iijj Halondes¹ and on horcherd” lying in Kyrkedale and Lyverpole, in the county of Lancaster, and also of one rent service of xd. oß. “yerely forthe of a Mese” in Kyrkedale, whereof Sir William Molyneux, Knight, is seised in his demesne as of fee: “So it is that by the unlawfull Conspiracye and Confederacye which lately hath ben hade and contrived” between Sir William Molyneux, Knight, Edward Molyneux, Clerk, Thomas Halsall, Esq., Thomas Grymshaw, gentleman, and divers others, their adherents, of malice and to the intent to disinheryt your orator, wrongfully entered into the said premises about the 15th day of February, 17 Henry VIII. [1526], and have taken the profits thereof ever since.

The said Sir William also refuses to pay to plaintiff the said yearly rent of 10½.

Also, whereas your orator lawfully distrained one ox and drove it to the pound in his manor of Bankehowse, in the said county, and there impounded it for his rent: there came one Arthur Gorsich, of Kyrkedale, yeoman, accompanied by 3 other riotous persons, tenants and servants of the said Sir William, and by his command they broke the said pound with “clobbis and long stavis” on the 10th day of October, 18 Henry VIII. [1526], and took away with them the said ox.

¹ A Hallan is an old word for a passage between the outer and inner door of a cottage, its use here is not quite clear.

Moreover of his "forther malyce" the said Arthur, accompanied by 30 riotous persons "unknowyng" to your orator by the procurement of the said Sir William and Edward Molyneux, "areyd with unlafull wepence" on the 20th day of October, in the said 18th year, assembled in the town of Lyverpole, and then and "theyre ryotously in a rowte went up and downe the stretes of the seyde towne facyng and Brachyng the Kynge's Subiectes of purpose and intent to have betyn yowre seyde oritor, and spake dyvers obbrobryose wordes of manece ageyinst yor seyde oritor, then beinge Meyre of the sayde towne," by reason whereof plaintiff and divers of the King's subjects were in great fear and peril.

As the said Sir William, Edward Molyneux, Thomas Halsall, and Thomas Grymeshaw are of "gret power, alyance, and frendshippe" in the said county, plaintiff is not "of abilyte" to maintain his trial against them for the recovery of the premises, unless favor is shewn him and Letters of Privy Seal directed to the said Sir Wm., Edw. Molyneux, Tho. Halsall, Thos. Grymeshaw, Arthur Gorsich, and Robt. Wysdall, commanding them to appear before your Mastership at Westminster, the 18th day of May, to answer to the premises.

[In different handwriting].

"Termio Hill A° 11 H. viij. xvij°.

H^oupon a prive seale to Sir William Molyneux, Knyght, Edward Molyneux, clerck, and Thomas Halsall, squir, to apper xv Pasche prox."

HUGH RIGBY, CHAPLAIN, *versus* WILLIAM LATHAM, AND SIR HENRY STONDANOUGHT AND OTHERS, *re* PARBOLE, *alias* DOUGLAS CHAPEL.

*To the Right Honorable Syr Thomas Moore, Knyght,
Chaunceller of the Duchie of Lancastre.*

"HUMBLE sheweth" Hugh Rygby, of Parbalde, in the county of Lancaster, chaplain and incumbent of the Chapel of Our Blessed Lady in Parbard [Parbold, in the parish of Eccleston] *alias* Dogles, that where one William Latham, of Parbald, Esq.,

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being patron and founder of the said chapel, which is endowed with certain messuages, lands, and tenements lying in the town of Parbald, and that the said William and his ancestors have been "without tyme of mynde," founders and patrons of the said chapel¹ as a chapel donative, and that it "hath been used by all the said time that the auncestors of the said William have used to gyve the said Chapell at suche tyme as yt was voyde to a Chapeleyn able duryng the lyff of the seid Chapeleyn," which said chaplains and incumbents have enjoyed the same for the term of their lives without interruption: Now so it is, that at time of the last avoidance of the said chapel, the same William Latham, by his deed sufficient in the law under his seal, granted the chapel, with the lands, &c., thereto belonging to your orator: to hold for his life, by reason whereof he entered into the same, and was thereof seised for about 3 years, until the 1st day of June, 18 Henry VIII. [1526], when Sir Henry Stondanought, clerk, Thomas Latham, husbandman, and John Latham, husbandman, with other riotous persons at the command of the said William Latham, Esq., with force and arms entered upon the possession of your orator and distrained his tenants and compelled them by "coarcyon of distresse," to pay the said William the rents belonging to plaintiff, and so the said persons "deyly inquiete and troble" your said orator.

And forasmuch as the said William is a great man in those parts and your orator a poor man, your orator is not able to pursue his remedy at the common law, and therefore prays for Letters of Privy Seal.

R. 10. n.

The answer of Harry Standanoght, Chaplen to the byll of comyleynt of Hugh Rygby, Chaplen.

For the declaration of the truth in the premises, the said Henry Standanoght says that the said William Latham granted the said free chapel and all the messuages thereto belonging to the said now complainant for his life, upon condition that he

¹ These particulars of the foundation of this Chapel are of special interest, as its history has heretofore never been written.

should celebrate and say divine service in the said chapel to the said William and his heirs whenever he should be required so to do.

About the 20th day of June, 13 Henry VIII. [1521], and at divers other times and seasons, the said William Latham, by his letters and otherwise, desired plaintiff, "at that tyme abydyng and dwellyng owt of the seyde Cowntie of Lancastre," to celebrate divine service before him, but he did not come at all, by force whereof the said William, by his deed, gave the said chapel, with all the appūrts. to defendant, for terme of his life.

Without that that he is guilty of any force, &c.

The replication of Hugh Rygby, Chaplain.

R. 10. b.

The said Hugh says that in his letters or donation to the said free chapel, express mention is made that for "seknes in his Body or other lafull impediment," he may be absent from the said chapel, and that he having an "occasion of Besynes" in serving of a cure in Somersetshire, had license from the said Latham to do his said business, and before his departure the said William Latham agreed, by a writing under his hand, that in the absence of the said Hugh, Sir Henry Stondanought should serve the said chapel until the "recommynge" of plaintiff. This the said Sir Henry agreed to, he taking a certain stipend for so doing, but during plaintiff's absence he (Sir Henry) "subtelly and disceitfully opteyned" for himself from the said William Latham, "beyng an old gent^l and blind," new letters of donation to the said chapel.

Afterwards plaintiff returned home and continued serving the said cure there "by a good season," until Sir Henry disturbed him and "put hym ffrom the Auter there as he was doynge dyvyn servyce there."

Without that that the said Hugh was absent otherwise than by the licence of the said William," &c., &c.

"F. T. Hill A^o 11 H. viij. xvij^o."

H^oupon a prive seale to Sir Henry Standanought, prist, Thomas Latham, and John Latham, to apper xv Pasche prox."

THE KING *versus* ALEXANDER WHATMOWE, *re* TRESPASS ON
COAL PITS AT BROMLEY [BURNLEY].

*"A byll of ynformacion for the Kyng's grace ayenst Alexandre
Whatmowe, of Bromley, in the Countie of Lancastre, before
Sir Thomas Moore, Knyght, Chaunceler of the
Duchie of Lancastre."*

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FIRST the said Alexander, of his "owen wronge," and without any authority, about 8 years ago or more, took upon him to enter the King's waste ground called Broddehedd,¹ in Bromley [Burnley] [see p. 138], and there "digged and hewed Coles" within the King's several coal beds and pits, and sold the same for great sums of money, as well to the King's tenants and inhabitants of the town of Bromley [Burnley] as to other people of the towns near adjoining, and has taken all the profits of the said coal beds and pits for more than 8 years, without paying anything to the King's grace for the same, to the great "frawed and disceyte" of his Majesty, who lost all the issues of the same during the time aforesaid.

Item. The said Alexander perceiving that the King had demised the said beds and pits to Richard Towneley, Esq., for certain years, he yielding a yearly farm for the same "of his maliciouse and Cruell mynde hath craftely and subtylley stered and moved" divers of the King's tenants and others, inhabitants of the said town of Bromley [Burnley], to make claim unto and also riotously to enter the said waste ground, and there to dig coals where they have no "suche auctorytie right ne title soo to doo," to the great displeasure and "disheryson" of his Majesty, and also to the great loss of the said Richard Towneley, being the King's farmer there.

"T̄. Michis A° xxiiij°.

M^d upon an affidavit, &c., attachment is awarded agenst Alex. Watmowe to apper xv Hill prox."

¹ Broadhead Moor was copyhold land lying on both sides of the present Manchester Road, above Hood House. It is now known as Burnley Moor.

RICHARD SMYTHE, CLERK, *versus* JOHN GRENEHAGHE AND
OTHERS, *re* ASSAULT AND DISTURBANCE AT
CHURCH SERVICE AT BURY.

*To the Right Honorabill Sir Thomas More, Knyght, Chauncelor of
the Cownte Palentyne of the Duchy of Lancastre.*

“IN his moste humbill and lamentabill wise schowithe onto yor
good masterschepe” your orator Ric. Smythe, Clerk, parson
of the Church of Bery, within the said County Palatine, that
where the parsons of the said Church have always had the
appointment of the parish clerks there, and such clerks so by
them deputed have always exercised the said office, by reason
whereof your besecher, at the feast of St. Michael the Archangel
last past [1526], appointed James Holte of the said town, “beyng
a person of honest conversa^on and lyvyng mete for that purpose,”
to be parish clerk, “which” continued in the said office for about
6 weeks until John Grenehaghe, of Bery [Bury], Esq., Thomas
Wallis [*sic*], of Totyngton, Edward Ramysbotham, and Richard
Bothe, of the said town, yeomen, with other evil disposed persons, of
“ther malycyus, perverse and froward mynde, beyng replenyshed
full of Rancor and malice,” by the procurement of the said John
Grenehagh, Thomas Nabbis,¹ Edward Ramysbotham, and Richard
Bothe, “ded confetter and combyne” against your orator and the
said James Holte, because the latter was appointed by your orator
in such wise, that on the 20th day of October [1526] last past,
being the Sunday before “Halomes² daye” [All Hallows], in the
most “crewell manor that hathe ben seen or harde of ther presensid
forthowght, malice, and dewlische purpose,” they came to the
said Church in the morning, with divers other persons of their
“confeterise, makyng semblaunce as thow thei had come to here
there dyvyne servyce, as the tyme of that day ded apperteyne,

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¹ BAINES, in his *History of Lancashire*, puts John Nabbes down as Rector of Bury *ante* 1507, but gives no authority for it.

² All Saints' day was sometimes called “Hallowmas.”

havyng swordes, bokelers, schort dagars and other wepons prevely under there gownes." After your said "besecher" had said "matens prime and howers," he not "mysdemyng nor thynkyng ony evell whente in pressession, havyng his surplesse on his bakke, and the said parishe clerke beryng the crusifix before the parsons accordyngly as every Sonday be accustomed to do," and as they were so going, with others of the parish going with him, singing and serving Almighty God, the said John, Thomas, Edward, and Richard, with about 40 others, "sodenly threw of there gownes in a grett furie and came runnyng downe in there Jakes,"¹ to the lowest part of the Church, and then and there in the most "ongoodly, vyolent, and cruell maner, forcibilly rente and teryd" the said crucifix out of the hands of the said parish clerk, and "crewelly brake onsonder the staffe wheruppon the said crucifix was borne, and threw and kyst downe to the erthe the same crucifix in the most onreverent maner that have ben seen, using them selfe more like Jues and Paynemys [Jews and Painems]² than otherwise. And then and there riotusly assawted apon yor said oratur and apon dyverse his servauntes, and sore bete and hurtid ij of the seid servauntes with in the same churche. And put yor said oratur in mervelas grett dawnger and ferre of his life, that if he by gret helpe and soker of the parishioners there, had not defended, borne, and had yor said orator by strengithe, myght, and power in to the chauncell of the said churche, and there kepte hym for a tyme, yor said orator had ben very like to have ben slayne and murderid owt of hand. By reason whereof no masse ne other servyce was ther don ne said that day, and was esteemed the said churche to be suspendid and enterdicted by occasion of the same."

After the said John Grenehagh and others had committed the above misdemeanors, your said orator "durst not opynly come abrodde for daunger of his life and bodely harme. And for that the Thursday next foloyng the said Sonday was Halomesse daye, yor said oratur feryng to come abrode in the day lyght, came in to

¹ Jakettes.² Painem—a Pagan.

the said chirche erly in the spryng of the daye, intending to have served Allmyghty God as to hym of dewty ded apperteyne," at which time of his entry into the said Church the said John and the other riotous persons were assembled there, lying in wait, intending to have murdered your said "besecher," but he, perceiving them, went out again "as prevely as he cowde, and soo was of force put from seyeing of masse and other service."

Moreover the said rioters "dayly and contynnually dothe lye in wayte and procure other symple persons of their combinaçon to murder and slee your said besecher and his servantes, soo that he dare not ne never durste resorte to his said chirche for feer of his life sythens the Sondaie."

Prays for writs of subpœna to be directed against the said John Grenehagh, &c.

"T̄mio s̄ci Hillarii A^o rr H. viij. xvij.

H^oupon a prive seale to John Grenhagh, Thomas Nabbs, Edward Ramysbotham, and Ric. Bothe, to apper xv Pasche prox."

THE ABBOT AND CONVENT OF WHALLEY AND ROBERT HEYTON
versus THOMAS LANGTON, *re* ASSAULT AND DISTURBANCE OF
 CHURCH SERVICE [AT LOW CHAPEL] AND INTERRUPTION
 OF WAY, &c., AT WHALLEY, BLACKBURN CHURCH,
 WALTON-IN-THE-DALE, AND PENWORTHAM MOSS.

*To the Ryght Honorable Sir Thomas More, Knyght, Chauncellor
 of the Countie Palatyne of the Duchie of Lancaster.*

"SHEWEN and compleyn unto yowre goode Mastershipp yowre dayly bedeman" John, Abbot of the Monastery of Our Blessed Lady of Walley [Whalley] and the Convent of the same, in the county of Lancaster, and Robert Heyton, of Walton.

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The said Abbot and Convent say that they and their predecessors, "tyme owte of mynd, whereof no remembrance of man runnyth to the contrary," have been "parsons in persone" of the Church of Blackborne [Blackburn], in the said county, being

"appropriated" to the said Monastery. In the said parish is a chapel called the law Chappell,¹ in Walton in the Dale: in the which chapel the said Abbot and his predecessors, by reason that the same is within the cure and charge of the said Abbot as parson of the said Church, have deputed a "Suffycyent" priest to sing mass and other divine service within the said Chapel, by reason whereof one William, late Abbot of Walley [Whalley], about 26 years ago assigned one Edmond Sudeyll, Clerk, to serve there, "wyche" has continued there ever since.

Now so it is that about a twelvemonth ago, on the 20th day of July or thereabouts, 17 Henry VIII. [1525], certain persons "wyche then stode and were suspended and excomynycatt by the Sentence of the law of Holy Chyrche," were then present in the said chapel, by reason whereof the said Edmond Sufyll would not say divine service in their presence.

Because also the officers of the Bishop of Chester who had jurisdiction ordinary within the said parish, directed their citation to the said Edmond Sedyll,² commanding him by the same to "acyte" divers persons for criminal causes, which he according did.

Thomas Langton, of Walton, Esq., bearing great malice and ill will towards the said Edmond, on the said 20th day of July assaulted him with great force, and commanded him that from "thensforth he shulde not be so hardy uppon peyn of hys lyff," to sing or say divine service within the said chapel, nor to live within the said town. Neither would the said Thomas suffer any other priest thereto assigned by the said Abbot, to serve the said cure "no do no other acte for prechyng or techyng to the meytynyng or incresyng of Cryste's ffeythe," but daily threatened to put them in jeopardy of their lives, whereby the said chapel is unserved and the Sacrament and "Sacramentelles" unadministered, by reason

¹ This Chapel is mentioned in a Charter dated 13th Aug., 10 Edward I.; it then belonged to the Abbey of Stanlawe. It was sometime known as Low Church. It is now the Parish Church of Walton-le-dale.

² Probably the correct spelling is Sudell.

whereof divers oblations, offerings, and profits belonging to the said Monastery are diminished and "apayred" to their great loss.

Furthermore, notwithstanding that the said Thomas Langton has been commanded by the King's gracious Letters of Privy Seal to "Surceasse hys seyde Malycyous and develyshe purpose of Manashes and threttes," and to suffer such priest to serve there, when the said priest was there ready to put on his albe and vestments and to sing mass, divers riotous persons, to the number of 8 or 9, servants of the said Thomas, came to the said priest and commanded him, upon pain of his life, not to say mass there, and said that the ornaments of the said chapel should be taken away.

The said Robert Heyton, for his part, says that whereas the said Abbot demised to him a certain tenement in Walton in the Dale called low Hall, with also the profits thereof; also a certain "tethe" called Armytage tethe, in Walton, by indenture under their convent seal for 19 years then next following, and whereas also the said Robert Heyton and all his ancestors, as tenants of the said Abbot, have had "Turves for ffewell" in the King's moss, called Penwortham Mosse, "and have had and used to cary and lede the same there Mosse" through a common way in Walton, which way is for all the King's subjects to pass through with all kinds of carriages: Now of late, to wit, on the 1st day of August the said Thomas has not only entered into a parcel of the said Tythe, but also with great strength has stopped up the way and carriage of the said Robert, so that he is without for his necessary occupation this winter, to his great undoing. And besides that, for vexation only, the said Thomas, since the 28th day of May last, distrained and impounded the cattle of the said Robert, going upon the common of pasture called Walton Woode more than 60 times, wherein the said Heyton and his ancestors, and all the other tenants of the said Abbot, have had common of pasture for all cattle at all times of the year: all which 60 times the said Heyton has "replevyed" to his extreme cost and charge.

More than that, the said Thomas Langton has forbidden the said Heyton to pass through any of his ground to "Chyrche ffeyre

ne Markett" upon pain of his life, and as the ground of the said Thomas is "Invyron in moche parte abowte the mancon place" of the said Robert, and as almost all of the ways and passage to and from his house are upon the ground of the said Thomas, he dare not now go to and from his said house as heretofore he has done, although the said Thomas has been commanded by the King's Letters of Privy Seal to suffer him so to do, "to the grete boldnes of suche lyke Mysdoeres not dredyng the breche of ye comaundement of owre seyde Sovereygne Lorde."

Prays for writ of Privy Seal to be directed against the said Thomas Langton.

"T Trin. A^o r^r H. viij. xvij^o.

H^e upon a prive seale to Thomas Langton, squier, to suffer them, &c., and also to apper xv Michis prox. etc."

WILLIAM MORE, JOHN CROSSE, AND OTHERS, *versus* HUMPHREY CROSSE, *re* POSSESSION OF LAND AND TENEMENTS AT WALTON, AND LYVERPOOL [LIVERPOOL] FREE SCHOOL.

*To the Ryght Worshepfull Syr Thomas More, Knyght,
Chauncelor of the Duchie of Lancastre.*

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"IN thayre Ryght humble wyse Shewyth unto yor goode Masterschip" William More, Esq., John Crosse, Clerk, Thomas Reynforth, priest, and Roger Fazakerley, yeoman, that where one John Crosse, Clerk, was seised of certain lands and tenements, with the appūrts, in the parish of Walton, in the county of Lancaster, in his demesne as of fee, and so seised, enfeofed your said besechers of the said premises: to hold to them and their heirs to the use and performance of the last will of the said John Crosse.

They being so seised, the said John made his will, whereby he declared that the said feoffees should yearly for ever take the rents and profits of the said premises, and with the same find an honest priest to pray for his soul and for all Christian souls in the Church of Lyverpole, and "ther to teche a ffree Scole."

After the death of the said John Crosse, the said William More and other the said feoffees, took the said profits and employed them accordingly, until 3 or 4 years ago, when one Humffrey Crosse, Clerk, of his "extort and pervers wyll," entered the said premises, having no right thereto, and has taken the revenues thereof ever since: for "reformacion" whereof the said William has often moved the said Humffrey, who has given him "unfyttyng wordes and occacon of fforther inconvenyens, lytill regardyng Goode Counsell or exortacon."

Prays for writ of subpœna to be directed to the said Humphrey.

"T. Michis A^o rr H. viij. xix^o.

H^oupon a prive seale to Sir Humffrey Crosse, priest, to apper
xv Hill. prox."

SIR HENRY HALSALL, KNIGHT, *versus* SIR WILLIAM MOLYNEUX,
KNIGHT, SIR EDWARD MOLYNEUX, KNIGHT, CLERK, AND
OTHERS, *re* TRESPASS ON SYDALL CLOSE AT LYDGATE.

*To the Ryght Honorable Sir Henry Marny, Knyght, Chaunceler of
the Duchye and Countye Palatyn of Lanc.*

YOUR orator Sir Henry Halsall, Knight, complains that where
one Rogger Male was seised of a close in Lydgate, in the
county of Lancaster, called Sudyll close, containing 4 acres, late
in the holding of Nicholas Longbakke, and now in the holding of
Henry Pye, in his demesne as of fee, and so being seised,
bargained and sold the same to your orator and his heirs for
certain sums of money, and made an estate thereof to your said
orator, and to Nicholas Banastre, of Halsall, gentleman, to have
to them and their heirs to the use of the plaintiff and his heirs,
by reason whereof the said Sir Henry peaceably occupied the
premises for 7 years and more: But now of late, that is to say, in
the month of June last, Sir William Molyneux, Knight, and Sir
Edward Molyneux, Clerk, his brother, with force and arms caused
4 riotous persons, their servants and adherents, to wit, Henry
Hurdys, Thomas Male, of Ayntre [Aintree], John Irland, Clerk,
and Richard Gore, with divers other unknown persons, to enter

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forcibly into the said close and "drowe oute horsez and other Catell" then being there, and would not suffer your orator nor his farmer or tenant to occupy the same.

Afterwards they, with 10 of their servants, caused the said close to be ploughed, the gates thereof to be cut in pieces, and the "closure of the londe to be pulled down and layd abroad."

Plaintiff cannot get the said persons "Indyted for their riotous mysdemaneor by Reason of Suche nere kyn and Cosynage as Is betwen" the Sheriff of the said county and the said Sir William and Sir Edward, and also by reason of the favour they have of the deputies and ministers of the said Sheriff.

Prays for writ of Privy Seal against the said Sir William and Sir Edward Molyneux.

[Endorsed] 19 Henry VIII.

H^upon a prive seale is direct to Sir William Molyneux, Knyght, and Edward Molyneux, clerck, to apper tres^d Pasche prox. sub pena C li, dat xx die ffeß A^o ix^o [*sic*]¹.

GILES LEVER, CLERK OF THE GRENE WEX,² *versus* RICHARD BRYCHE AND HAMLET HOLBROKE, *re* RESCUE OF CHATTELS SEISED FOR GRENE WEX DUTIES AT BRYCHE [BRUCH] AND WERYNGTON [WARRINGTON].

*To the Ryght Honourable Syr Thomas More, Knyght,
Chauncellor of the Duchie of Lancastre.*

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SHEWYTH your daily orator Gyles Lever that whereas he is Clerk of the "Grenewexk" within the county of Lancaster, and stands charged to the Sheriff for the same to the King's account: Now so it is that your said orator, the 4th day of May, 19 Henry VIII. [1527], for the sum of.....for certain "Grenewex" distrained an ox of one Richard Bryche at his

¹ Should be "rr. H. xix.^o"

² GREEN-WAX refers to estreats delivered to the Sheriffs and out of the Exchequer Court, to be levied in the several counties. The seal was made in green wax.

own house at Bryche [Bruch], in the county of Lancaster, who made "Rescowe" and took away the said distress and refused to pay his said "duitie."

The same day and year plaintiff distrained a brass pot of one Hamlet Holbroke at his house at Weryngton [Warrington], in the county of Lancaster, for "Grenewex" for the sum of....., and the said Hamlet, with force and arms, made "Rescus," and would not suffer plaintiff to carry away the said distress, neither would he pay his "duitez."

"Wherefor yt wold please your good Maystershypp, the premisses tenderly consydered," to grant a privy seal to be directed to the said Richard Bryche and Hamlet Holbroke, commanding them to appear to answer the premises.

"T. Pasche A^o rr H. viij. xix^o."

H^o upon a prive seale to Ric. Breche, Squier, and Hamlet Holbroke, to apper xv Trin. prox."

MATTHEW STANDISHE, DEPUTY ESCHATOR, *versus* THOMAS SINGLETON AND OTHERS, *re* CLAIM TO ARREARS FOR RESPITE OF HOMAGE AT BROUGHTON [BROUGHTON].

To the Ryght Honourable Sir Thomas More, Knyght, Chaunceler of the Duchie of Lanc.

"IN his most humbly wise compleynyng shewith" your poor orator Matthew Standisse, deputy Escheator of Lancashire, how that he stands charged upon his accounts, with divers sums of money charged upon divers gentlemen of the said shire, by Master John Burgon, the King's auditor, for respite of their "Omage," to wit, upon Thomas Syngleton, of Broghton [Broughton], Esq., for 6 years "by past" 40s., and upon Thomas Halsall and Thomas Grymshagh, Esquiers, for 3 years past, 13s., which sums of money your orator cannot levy by distress or otherwise, unless your good mastership be shown to him in this behalf.

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20 Hen. VIII.
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Prays for a Privy Seal to be directed to the said Thomas Syngleton, Thomas Halsall, and Thomas Grymshawe, esq^{rs}, commanding them either to pay the said sums of money or else to appear before you in the utas of St. Hilary next.

“Termino S^ci Mich^{is} A^o rr H. viij. xx^o.”

H^opon severall privy seales ayenst Thomas Syngleton, of Broughton, for vj yers past, xls., and ffor Thomas Halsall and Thomas Grymshagh for iij yers past, xiijs., to pay or to apper in the utas¹ of Saynt Hillarii prox.”

ROBERT LANGTON *versus* HUGH HYNDLEY AND OTHERS, HIS
TENANTS, *re* TITLE TO WASTE LAND AND RIGHT TO DIG
FOR COALS IN HYNDLEY MANOR, &c.

*To the Right Honorable Sir Thomas More, Knight,
Chaunceler of the Duchie of Lancaster.*

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L. 3.
20 Hen. VIII.
[1528.]

“IN his most grevous maner complayning shewithe unto yor ryght honorable and discrete wisdom,” Robert Langton, of the Low, in the county of Lancaster, gentleman, that where he and his ancestors in right of their inheritance, have from time immemorial been seised of the manor of Hyndley, in the county of Lancaster, with all the lands, tenements, and wastes thereto belonging, and have taken the profits thereof until Hugh Hyndley, of Aspull, gentleman, without any good cause, with “stronge hande by the ayde of certen his maisters gentilmen,” entered into the said wastes and occupied them, as well in breaking up the plaintiff’s freehold as in getting coals from the same. For the appeasing thereof Gilbert Langton, plaintiff’s father, then being “on lyve,” and plaintiff being his heir apparent of the one part, and the said Hugh on the other part, at the mediation and desire of friends, bound themselves to stand by the abitrament of Sir Thomas Gerrad, Knight, lately deceased, who adjudged that the said Hugh from thenceforth should not break the earth nor take any coals upon the said wastes without the licence of the said

¹ Utas—the eight days after a feast.

Gilbert: but this notwithstanding, the said Hugh, since the death of the said Sir Thomas, to wit, on Tuesday next before the feast of Pentecost last past, 20 Henry VIII. [1528], accompanied by a great number of persons, whose names appear in a schedule hereto annexed, and with great force entered the said wastes, broke up the earth and carried away the coal into other "senoryes" and fees, to the "disherison" and hurt of plaintiff.

Prays that a privy seal may be sent to the said Hugh, Rauf Hyton, and John Seddon, named in the said schedule, commanding them to appear to answer the premisses.

Hilary term 20 Henry VIII. [1529].

Hereupon a privy seal to Hugh Hyndley and John Seddon, to appear tres^d of Easter next.

The answer of Hugh Hyndley, gentleman.

L. 3. a.

Defendant says that Gylbert Culchyth, gentleman, is seised of a manor in Hyndley called Hyndley Hall, in his demesne as of fee, and that he and his ancestors have always been lords of the moiety or a great part of all the waste ground and common within the town of Hyndley, belonging to the said manor. Plaintiff is owner of another part of the said waste ground, but of how much defendant does not know. Defendant and his ancestors have from time immemorial been seised of 9 messuages and 80 acres of land, meadow, pasture, and wood, in the said town, or "nere theirabought," and have always had common of pasture for their own beasts and those of their tenants and farmers, and also common of estovers and turbary to be taken within all the said waste and common grounds within the said town as common appendent to their said messuages and lands, until plaintiff, pretending to be lord and owner of all the said wastes and commons, has wrongfully, and without authority, built 10 or 11 cottages thereupon, and has lately ditched, hedged, and enclosed to each of the said cottages a certain part of the said waste ground, amounting altogether to 20 acres of land and pasture and more, which he keeps as his own and which he will not allow defendant or his

tenants and farmers to use in any way. About the feast of Pentecost, 20 Henry VIII. [1528], defendant and Rauff Heyton and John Sedon, his tenants, dug and got coals and turves for their houses, having lawful authority so to do, and having been accustomed, time out of memory of man, to do the same. The said Gilbert Culchythe has never forbidden defendant to get coals and turves there.

L. 3. b. The replication of Robert Langton.

Plaintiff says that he only is lord and owner of the said manor of Hyndley and the said waste ground. The said Gilbert and Hugh, and divers others, are tenants and hold their free lands of plaintiff as of his said manor. Plaintiff says that he has only built 3 small cottages and enclosed 3 acres of ground for the relief of the poor tenants thereof, and for the increase and multiplying of the people in those parts, and has left sufficient common of pasture in the said waste for all his tenants.

L. 3. c. Commission dated 12th July, 21 Henry VIII. [1529] directed to Six Alex. Radclyff, Knight, Sir William Leylond, Knight, Henry Faryngton, Esq., and Richard Asshton, of Middleton, Esq.

L. 3. f. The Certificate of the said Commissioners.

"Proves" for the partie of the said Robert Longton, pleyntiff :

Robert Bolton, of Aburgham [Abram], gentlemen, aged 56, says that several years he was at a meeting in an alehouse in Hyndley, called John's Peve, when Thomas Aburgham, Richard Atherton, Hugh Hyndley (deceased), deponent, and other neighbours met Gilbert Longton, Esq. there, and desired him to give them licence to get coals in Hyndley, which he granted. Witness knows divers persons who have asked licence of the said Robert Longton, plaintiff, and have obtained it.

James Henryson, of Hyndley, a freeholder there and tenant to Master Blundell, aged 54 years and above, says he knows that the persons abovesaid had coals in Hyndley by the special licence of the said Gilbert. Never knew anybody get coals there except by licence from the said Gilbert or Robert Longton until lately.

Thomas Holynhed, of Hyndley, tenant to Jane Walker, widow, aged 58 years and more, has heard Richard Holynhed, his father, aged 80 years and more, say that there were never any coals got before the time of the said Gilbert Longton.

James Tomlynson, of Hyndley, tenant to Nicholas Renacres, aged 33 years and more, deposes as above.

Charles Hert, of Aburgham [Abram], tenant to John Aburgham, aged 60 years and more, dwelt at the Lowe 30 years, and heard the wife of Hugh Hyndley (deceased) ask licence of Gilbert Longton to get coals and turves in Hindley.

Henry Waterward, of Hyndley, a freeholder, aged 50, says that no coals were got until lately without permission either of the said Gilbert or of the said Robert his son. Witness has heard William Barker, his father-in-law, say that Thomas Barker and Henry Keresley first found coals there.

Richard Astley, of Hyndley, a freeholder, aged 40; John Fayrecloghe, of Hyndley, tenant to the priest of Turton Chapel, aged 52; and James Snape, of Hyndley, tenant to Robert Hesketh, Esq., aged 37, deposes as above.

Henry Hamson, of Hyndley, tenant to the said Rob. Hesketh, aged 32 years and more, says he was going between Leigh Church and Westley [West Leigh] when John Leche came from Hugh Hyndley, defendant, being his household servant, and asked licence of the said Rob. Longton to have a pit of coals for him and his tenants, which was refused him.

William Kydde, of Wygan, aged 92, says he was with James Scaresbreke, Esq. at a meeting between Thomas Gererd, of Ince, Esq. and Gilbert Longton, of the Lowe, Esq., about 54 or 56 years ago, when old Hugh Hyndley's wife desired Master Scaresbrek to get leave for her to get turves and coals which the said Gilbert granted for as long as it pleased him. When the said Master Scaresbrek asked her why she asked such permission she answered, "Syr, my husband saith that Master Longton is Chief Lord of Hyndley." Witness has never heard the house wherein James Strangweys dwelt called the Hall of Hindley.

John Godeyn, of Hyndley, tenant to Rauff Mallebon, aged 72 years and more, says that for 20 years he was household servant to Gilbert Longton. Robert Hyndley, father of old Hugh Hyndley, built the House wherein Rauff *Hyndley* dwells, and the first tenant thereof was Colyn Astley.

James Pomfret, of Westley, adjoining Hyndley, tenant to James Scaresbreke, aged 80 years and more, says that Robert Hyndley built the house where Rauff *Huyton* dwells: Thomas Legh was the tenant there. Two other houses are made anew, now in the holding of Richard Glover and Gilbert Medewall, and as he believe another in the holding of Alexander Worthington.

Nicholas Madder, of Westley, tenant to Thomas Halsall, Esq., aged 70 years and more, as above.

Christopher Strainge, of Westley, tenant to the said Thos. Halsall, aged 70 years and more, says he could not be suffered to buy coals in Hyndley without licence of the said Gilbert Longton or his heirs.

Nicholas Smythe, of Westley, tenant to Master Houghton, aged 74 years and more, as above.

Richard Fraunce, of Hyndley, tenant to Robert Hesketh, Esq., aged 70 years and more, says that the heirs of Pemberton made 3 cottages in Hindley.

Thomas Keresley, of Hyndley, aged 70 years, and more, as above.

Nicholas Preston, aged 46, says that Thomas Preston, of Hyndley, his father, tenant of John Urmeston, Esq., is more than 80 years old, and unable to work, and has, therefore, sent witness to depose as above, and to say that he can think of 4 houses new made in Hyndley, and has heard that all the others have been lately made except 2.

Robert Bolton, of Aburgham [Abram], aged 60 years; and William Kydde, of Wygan, aged 92, as above.

"Proves" for defendant.

L. 3. g

Edward Bradshagh, of Asple [Aspull], tenant to Sir John Byron, Knight, aged about 80, knows a place in Hyndley called Hyndley Hall, which is of the inheritance of Gilbert Culcheth, and wherein James Strangweys dwells. Knows that Robert Hyndley, father of Hugh Hyndley, and Hugh, his son, and Hugh that now is, have got coals and turves without licence of Robert Longton or his ancestors or any other persons. Their tenants have done the same, and have also had and used common pasture in Hyndley time out of mind. Knows a tenement wherein Robert Lowe dwells, and other tenements in the holdings of Richard Dyke, William Holynhed, senior, Robert Worthyngton, Thurstan Welche, William Holynhed, junior, John Sedome, William Medwall, Rauff Huyton, and Rauff Hyndley, which said tenements are within the town of Hyndley. Witness has known them 60 years and more for old tenements "and so used, and yet are."

Nicholas Lowe, of the same town, tenant to Thomas Gererd, of Ince, aged 80 years and more ; William Halghton, of the same, gentleman, aged 64 ; and Charles Fraunce, of the same, tenant to Thos. Gererd, of Ince, aged 62, depose as above.

Hammet Grene, of Wygan, aged 85, tenant to the said Thos. Gererd, knows a place called Hyndley Hall wherein James Strangweys dwells. Robert Hyndly, Hugh, his son, and Hugh that now is, have all got coals and turves without licence from anybody. Has known the said tenements above rehearsed for old tenements for more than 60 years.

Hugh Perepoynt, of the same, aged 80 years or more, tenant to the said Thos. Gererd ; Thomas Arosmyth, of the same, aged 70, tenant to Thos. Platt ; William Lount, of the same, aged 80 and more, tenant to the "Person" of Wygan ; Thurstan Legh, of Westhalghton, aged 68, tenant to my lord of Cockersand ; William Madder, tenant to Roger Asshawe, aged 50 ; James Reve, aged 60, tenant to my lord of Cockersand ; John Laythwayte, of Westhalghton, "the Eldist of the name," aged 60, tenant to my lord of

Cockersand; William Holdeyn, aged 56, tenant to my lord of Cockersand; James Sedowne, of Ince, aged 54 years, tenant to Arthur Ince; Richard Browne, of Ince, aged 5 years, tenant to Arthur Ince; and James Whytill, of Ince, aged about 51, tenant to Piers Gererd, depose as above.

Thomas Dunstere, of Aburgham [Abram], aged 68, tenant to Rauff Assheton, says that the place where James Strangweys lived has always been called Hyndly Hall.

William Byrom, of the same, aged 55, tenant to the said Rauff Assheton; Olyver Legh, of the same town, and tenant to the said Rauff, aged 50; Robert Huyton, of the same, a freeholder, aged 50; Alexander Nayler, aged more than 60, tenant to Humphrey Gererd; Richard Hepay, of the same, aged about 60, tenant to Will. Pemberton; Rauff Lowe, of Assheton, aged about 60, tenant to Thos. Gererd, of the Bryn, Esq.; Rauff Nayler, aged 60, tenant to the said Thos. Gererd; and Henry Williamson, aged 50, tenant to Master Atherton, depose as above.

Wylliam Leylond.

Alex. Radclyff.

Ryc. Assheton.

Henr. ffaryngton.

DECREES AND ORDERS, HENRY VIII. BOOK 5. FOL. 422.

Inter Langton
et Culcheth.

In the matter in variance between Robert Langton, Esq., Gilbert Culcheth, gentleman, and Hugh Hindeley, gentleman, wherein either of them complained of other for and concerning the waste and common of Hyndeley, in county of Lancaster every of them pretending to have an interest in the freehold of the said waste: And also in the matter in variance between them and their tenants of Hyndeley and Aspull, as well for and upon the right usage and title of common of pasture and turbary claimed by the said tenants in the said waste, as of for and upon certain buildings, encroachments, and improvements made and taken of and upon the said common wherein the said tenants found themselves grieved, whereof part was pulled down by the said

tenants: after long debate and examination of the premises, it is ordered by the said Chancellor and Counsell, by the assent of the said parties in manner and form following: First, that these cottages, houses, gardens, closes, and encroachments following, lately built and made upon the said common, shall be utterly put down and laid open again to the said common, and from thenceforth not to be kept in severalty by any pretending to be lords of the said waste, that is to say, First a cottage with divers parcels of ground by est^d. 2 acres in the tenure of Robert Holyhned.

Item. A cottage with 3 rodes and 9 "Rodefall" in the tenure of Nicholas Whytell. This cottage to be taken away by the said Langton and set within his close of 30 acres at his pleasure, and the land encroached to the same cottage to be laid open.

Item. A cottage and 5 "rode" ground in the tenure of Charles Warying.

Item. A cottage, a garden, and 2 encroachments thereto belonging, containing by estimation 1 acre and half in the tenure of Christopher Pemberton.

Item. A cottage and 30 "rode fall" of ground thereto belonging in the tenure of William Shetilworthe.

Item. A cottage, otherwise called a "Shopon," with 1 acre and 1 "rode lond" thereto belonging in the tenure of Alexander Worthington.

Item. A cottage and $\frac{1}{2}$ acre thereto belonging in the tenure of James Strangwys.

A cottage and 2 encroachments of 10 "rode fall" in the tenure of Gilbert Hulton.

A barn with 13 rode fall of ground in the tenure of Geo. Hyndeley.

The ground and encroachments to a smithy house belonging to be set at large, but the house to stand still with a little garden to it.

A barn and 13 "rodefall" in the tenure of Thomas Keresley, the barn to be removed and taken away by the owner and set out of the common, and the ground where it stood to be set at large.

A lane encroached of 3 rode land in the tenure of Henry Hampson.

An encroachment of a rode ground in the tenure of Robert Taylor.

An encroachment of a garden in the tenure of Robert Lawe.

Another encroachment of 30 rodefall in the tenure of the same Robert.

And it is ordered that these houses, cottages, gardens, closes and parcels of ground hereafter following, supposed by the said tenants to be heretofore encroached from the said common, shall be from henceforth used, kept, and held in severalty by the owners thereof, forasmuch as it hath been so used by a long time past, that is to say :

Fyrst, a cottage with 2 parcels of ground thereto belonging containing $\frac{1}{2}$ a rode land and 10 rode fall in the tenure of James Chettham of the lease of the said Robert Langton.

A cottage pertaining to the said Robert with a parcel of 12 rodes fall ground in the tenure of William Waterward.

A cottage of the same Robert with 2 parcels of 6 rode fall thereto belonging in the tenure of John Magowen.

A cottage of the same Robert and a rode land in the tenure of Emma Sale, widow.

A cottage of the same Robert with 3 rodes ground thereto belonging in the tenure of the wife of Ric. Hyndeley.

A cottage of the said Robert and a rode land in the tenure of Thurston Hamson.

A cottage of the said Robert with 2 parcels of ground containing 1 acre and 2 rodefall in the tenure of Amys Leighe, widow.

A cottage and 2 rodefall of ground thereto belonging in the tenure of John Brown Scott.

A cottage and $\frac{1}{2}$ acre of the said Robert in the tenure of Henry Longeshaghe.

A barn and a rode land by estimation appertaining to the said Robert Langton, which barn was lately pulled down, to be built and used again in severalty at the pleasure of the same Longton.

A cottage called Smythy house with a garden plot only to it to abide still, to be "used severall."

A barn with a "toft and di" [and di acre?] and 4 rodefall ground thereto belonging in the tenure of John Fayerclughe.

A kiln and 3 rode fall of ground in the tenure of Henry Aspull.

A parcel of land and $\frac{1}{2}$ acre by estimation in the tenure of Raundoll Lachforthe.

An acre with a toft and 2 rodefall in the tenure of Pers Langton.

A little parcel of $4\frac{1}{2}$ rode fall in the tenure of Henry Waterward.

3 little parcels of land, 2 of them of a rode land and 8 rode fall, and the third of a rode fall, in the tenure of Robert Turton.

A little parcel of 4 rode fall in the tenure of Ric. Seddown.

A little parcel of 5 rode fall in the tenure of Rowland Lachforthe.

Another little parcel of 6 rode fall in the tenure of Adam Aspull.

A parcel of $\frac{1}{2}$ acre and 20 rodefall in the tenure of Hen. Longeshaghe.

The 38 acres of land which were enclosed by the father of the said Robert Langton.

A parcel of $\frac{1}{2}$ rode and 2 rodefall with "2 bayes" of a house upon the same builded in the tenure of Pers Langton.

A little parcel of 6 rodefall in the tenure of Christopher Robertson.

A parcel of 14 rodefall in the tenure of James Keyersley.

Another parcel of 30 rodefall in the tenure of the same James.

A little parcel of 4 rodefall in the tenure of James Tomlynson, with all other cottages and enclosures heretofore made to continue

and abide still in severall occupation without interruption of the tenants, except such as be afore appointed, to be put down and laid open to the said common, which are above rehearsed.

And it is also ordered that the said Robert Langton, Gilbert Culcheth, and Hugh Hyndeley nor any other that hereafter shall claim or pretend to be lord of the said waste, shall not at any time hereafter improve, encroach, or make any several in and upon any part or parcel of the residue of the same waste but suffer the same to lie open for common for ever.

Item. It is ordered that the said tenants of Hyndeley and Aspull shall from henceforth have and enjoy common of pasture in the said waste now appointed to be laid open as appertains to their tenements and holds and as hath been accustomed in that behalf without interruption of the lords thereof.

Item. That the said tenants dwelling in Hyndeley shall have and taken in the said waste common of turbary to be "brent" in their tenements as hath been accustomed: And forasmuch as within late years coals be found within the said waste, it is ordered that every of the said tenants of Hyndeley shall from henceforth have coals to be spent and occupied for their own fuel in their tenements in and upon the said common and waste as hereafter shall be thereof declared.

Item. Forasmuch as it appears that the said Hugh Hyndeley has used and accustomed to have as well common of turbary as common of pasture within the said waste appertaining and belonging to his messuage or tenement in Aspull which he dwells in, it is, therefore, ordered that the same Hugh Hyndeley, his heirs and assigns, shall have and enjoy the said common of turbary and pasture to the said messuage and tenement in as large and ample a manner as has been accustomed: And also shall have and take coals in and upon the said common and waste to be spent, occupied, and "brent" at the said messuage or tenement in Aspull, like as the said tenants of Hyndeley shall and may do by this present order.

And forasmuch as by the wilfulness of the said tenants great hurt and damage might be done upon the said waste and common, by reason of digging of coals and turbary upon the same, to the intent that necessary and convenient places shall be appointed from year to year where such turbary and coal shall be taken by the said tenants, it is ordered that the same Robert Langton, and his heirs and assigns shall yearly name and appoint 3 of his "Cherterhold" tenants of Hyndeley, and the said Gilbert Culcheth, his heirs and assigns, shall yearly name one of his charterhold tenants, which nomination shall always yearly be upon the first day of March, and the names of the said 4 upon the Sunday next after their nomination shall be showed and published yearly in the Parish Church of Hyndeley, to all the tenants there, being to the intent they may yearly know them; which 4 tenants so yearly to be named shall have full power and authority from henceforth to appoint the places where coals and turbary shall be digged and taken for the fuel of the said tenants. And in their places by them appointed the said turbary and coals shall be yearly taken by the said tenants, and not elsewhere in the said common. And where variance yet remains indiscussed between the said Robert and Gilbert for that the said Gilbert claims to have the freehold of the 4th part of the said waste, as well of that that lieth open as of that that hath "ben encroched" by the said Robert; it is agreed between the said parties that each of them shall be bound to the other by obligation of £40 to stand to the award of Thomas Audeley, attorney, and Thomas Bonham, receiver, in and upon the said variance, so that the same award be made by the feast of St. Andrew next coming.

And upon the determination of these orders the parties are for this time dismissed from any further appearance in the premises.

ELEANOR STANDYSHE, WIDOW AND EXECUTRIX, *versus* THOMAS
SINGLETON AND OTHERS, *re* ARREARS FOR RESPITE OF
HOMAGE CHARGED ON MATTHEW STANDISH,
AT BROUGHTON.

*To the Righte Worshipfull Sir Thomas More, Knyghte, Chaunceler
to our Souerande Lorde, Kyng Henry the eghte, to his
Duche of Lancaster.*

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[1528-29.]

“COMPLAYNYNG shewyth” your poor oratrix, Elynore Standyshe, “weydow,” that where one Matthew Standyshe, her late husband, was the King’s Escheator of his county palatyne of Lancaster, and had not made his “fully” account because part of it remained in these men’s hands, to wit, 20s. in the hands of one Thomas Shyngelton, of Broughton, for homage due, and 3 kine and a “Styrke” price xls. or thereabouts, being in the possession of Adam Regby and Dave Torner; yet notwithstanding your “besecher” being executrix to her husband and knowing herself charged, for fear she should be in any jeopardy and in order that she might not be put to any further charge, paid the money out of her own purse for these debtors at her last account made in London before Master Burgon, the auditor.

The said Thomas Shyngelton, Adam Regby, and Dave Turner still without the said money and beasts from your oratrix, contrary to all good right and conscience.

Prays for the King’s most honourable Letters of Privy Seal to be directed against the said debtors.

“Termino Pasche A° rr H. viij. xx°.

Herupon a privy seale to Thomas Syngleton, of Broughton Hall, Adam Rygby, yoman, xv. trin. prox.”

NICHOLAS TOWNLEY, CLERK, AND PARSON OF WEGANE [WIGAN]
 CHURCH, *versus* HUGH PAIGE, *re* CONTEMPT OF THE KING'S
 COURT, AND PROCESS AT WEGANE [WIGAN].

*To the Ryght Honorable Ser Thomas More, Knyght,
 Chaunceler of the Duchye of Lancaster.*

“**I**N ffull humble wyse Complanyng shewith,” your orator
 Nicolas Townley, Clerk, parson of Wegane, in the county
 of Lancaster, and chaplain to my Lord “Cardynall is good grace,”
 how that before this time the King’s most noble progenitors by
 their Letters Patent granted to your orator’s predecessors, parsons
 of the said Church, that they and their successors should hold pleas
 before their officers of the same town of all matters growing and
 coming within the said town of Wegane [Wigan], by reason whereof
 the plaintiff and his predecessors, since the said grant, quietly “with
 owtyn let or dystorbaunce of any person haith haldyn plees there,”
 until a court held at Wegane [Wigan] before the officers of your
 orator, the “Tuysday before Palme Sanday,” 19 Henry VIII.
 [1521], when one Hughe Paige, of Wegan, appeared in the said
 court, by reason of process made against him out of the same in
 an action for debt sued against him by one William Paige, of the
 same place. After the appearance of the said Hugh the said
 William declared against him according to the nature of his said
 suit, by reason whereof it was demanded of the said Hugh what
 he could say in bar of the said action, who replied that he would
 make no answer to the premises. Then the said William Page
 asked for judgment for default of answer, whereupon the keeper
 of the said court said to the said Hugh then being present that
 if he would make no answer, he (the keeper) must give judgment
 against him “quia nichill dicit.” As the said Hugh again make
 the like answer, the said keeper of the said court took the record
 wherein the said action and other actions were contained to the
 intent to enter judgment against him, which the said Hugh
 perceiving he with a “furius mynd and Cruell appetyt and with

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gret violence Tok the said Recordes frome the Clerk of the said Court and Threst them in hys hoys [eyes]. And the said Hugh, not herewith content bot Contenuynge in hys ungracyus fury Tok a gret Staf in hys hande then Staundyng in the said hous and held it by the end, And said that yf eny of them ull come nere hym that he should Brayn them." After that he departed out of the court, and up to the present day has made no answer in the said action, to the most perilous example of other evil disposed persons, if the said Hugh Page be not "extremly" punished for his misdemeanors "the lyke whereof haith not beyn seyn ne herd Tell in that Cuntre."

In consideration whereof, and forasmuch as the said Hugh is a "Mane of unthryfty dysposicon," it will please your Mastership to grant the King's "heighe" commandment, sealed with his privy seal of the Duchy of Lancaster, to be directed against him to appear before you to answer the premises.

"Termino Pasche A^o 11^m H. viij. xx^o.

H^o upon a prive seale to Hugh Page to apper xv. Trin. prox."

HENRY ORSAWE, ORSHAW, ORSCHAW, OTHERWISE ORSHAA *versus*
THOMAS HALSALL, AND OTHERS *re* TITLE TO MESSUAGES,
LANDS, &C., AT LYDYATTE [LYDIATE] AND HALSALL
CHURCH.

"*To Mayster More, Chaunsler of the Duchy of Lancastre.*"

Vol. xxiii. " I N hys lamentable wise showyth unto your good Maystershype."
[Calendar 17.] Henry Orsawe, son and heir of Richard Orsawe, deceased,
O. I. that where the said Richard was seised of 2 messuages, 100 acres
21 Hen. VIII. of land, 20 acres of wood, 100 acres of pasture, and 100 acres of
[1529-30] meadow, in Lydyatte [Lydiat], in county of Lancaster, in his
demesne as of fee: after whose death plaintiff, as his son and heir
entered into the said premises and was thereof seised until
Thomas Halsall, Richard Halsall, chaplain, and Richard Byrche

wrongfully disseised plaintiff, he being then aged 16 years, and have kept possession thereof ever since, that is to say, 11 years and more. The said premises are of the clear yearly value of 32s. Plaintiff, being only a poor man, and unable to sue for remedy at the common law, is likely to be disinherited for ever by the said Thomas, Richard, and Richard, who are of great power, kindred, and alliance, unless your good mastership may be shown to him. Prays that a commission may be granted to try the said matter.

Henry Orschawe, son and heir of Richard Orschawe, deceased, complains that whereas he had obtained divers commissions out of this court directed to Thomas Butler, Henry Faryngdon, of the county of Lancaster, Esq., and to John a Bowde, gentleman, and others to examine plaintiff's right and title to 2 messuages and 200 acres of land in Lydgate, in the county of Lancaster: So it is, that the witnesses to be examined on plaintiff's behalf were so menaced and threatened by Thomas Halsowe, Esq. and Richard Halsowe, Clerk, which said Thomas pretends an untrue title to the premises, that they dare not appear for fear of losing their farms which they hold of the said Thomas, by reason whereof nothing has as yet been done in the matter to plaintiff's great loss and hindrance.

O. I. a.

Prays that a new commission may be granted.

Commission dated 26th Nov., 21 Henry VIII. [1529] directed to Sir William Leylond, Knyght, Henry Faryngton, Esq., Bartilmewe Hesketh, and John Bold.

O. I. b.

Commission dated 10th July, 22 Henry VIII. [1530] directed to Thomas Butler, Esq., Henry Faryngton, Esq., and John Bold.

O. I. c.

Commission dated 20th Nov., 23 Henry VIII. [1531] directed to Sir John Porte, Knyght, one of the Justices of Assize at Lancaster, Thomas Butler, Esq., and John Bold.

O. I. d.

Whereas we lately directed a Commission to you to examine certain witnesses on the part of Henry Orsawe against Thomas Halsall, and whereas Elizabeth Grese, and James Gore and divers

others dare not appear for fear of the said Thomas: We, willing to know the truth of the said matter, desire you to call before you George Gryse, Thomas Gore, Richard Gore, Richard Lee, Pyers Rylondes [Rylands], and John of the Abbey, and to examine them as to the premisses.

O. i. e. Of all the above-named persons there only appeared John of the Abbey and Elizabeth Grease: the latter "surmyttith" to be Godmother to the said Henry Orshaw.

Interrogatories concerning the matter in variance.

O. i. f. The Certificate of the said Commissioners, who on the 11th day of April, 21 Henry VIII. [1530] at Ormiskyrke, in the county of Lancaster, took the answer of the said Thomas Halsall, and the depositions of witnesses as follows:

The said Thomas says that Sir Henry Halsall, Knyght, his father, purchased the said premises of the said Henry Orshawe, giving him large sums of money for them. Afterwards the said Sir Henry enfeofed certain persons in the premises, and by his will declared that the profits thereof should be to the use of a priest to pray for his soul, and that the said Thomas should have the nomination of the said priest at every "avoydance," otherwise he (Thomas) does not "intromyt ner medill."

Examinations on behalf of the said Orshawe.

Peris Rilandes [Rylands], of Kyrkby, aged 50 years and more, says that about 14 or 16 years ago he heard the wife of Lawrence Thorpe, mother-in-law of the said Henry Orshaa, say that the said Henry was then aged 12 years. The said Henry "wer a white Cote at that tyme that he barganed with Sir Henry Halsall, Knyght, for his londes."

Rauff Tatloke, of Kyrkeby, aged 80, was 16 years old when he made the said bargain.

John Pasmythe of the same, aged 80, deposes as above.

The said Henry acknowledged that he received £12 for his said lands at "too tymes."

Examinations on the part of Thomas Halsall, Esq.

Henry Pye, of Lydeyate [Lydiate], aged 70, says that the said Henry Orshaa had bargained his lands with Thomas Gaskyll, of Male, and that the said Sir Henry Halsall redeemed the same from the said Gaskyll. Then the said plaintiff made writings thereof to the said Sir Hen. and received sums of money from him for the same at divers times. At the beginning of the said bargains the said plaintiff was aged 17 or 18: when he was 21 he received £8, being the last payment of £30 received by him of the said Sir Henry, Richard Orshawe, father of the said Henry, died on Thursday in Easter week, 1501, at which time plaintiff was 2½ years old.

Edmund Holand, gent., aged 60, says it is 33 years since the late Lord Straunge was in Scotland, when Ayton Tower was pulled down: the said Henry Orshawe was born on St. Cuthbert's day in the harvest then next after.

Edmund Leche, aged 60, says as above.

George Molyneux, aged 80, says he was present when the said Sir Henry Halsall paid £8 to plaintiff, being the last payment of £30 received for his lands.

Thomas Kyrkeby and Sir Henry Wolfall, chaplain, brought before us, the said commissioners, a book showing the name of the persons buried every year at the Parish Church of Halsall,¹ and also the churchings of women. In this book it is stated that Richard Orshawe, father of the said Henry, died in 1501, and that the wife of the said Richard was churched there in 1498. The said plaintiff acknowledges that he was the youngest of the family.

Matthew Clyfton, aged 70, deposes as above.

Depositions taken at Weryngton [Warrington], in the county of Lancaster, 12th Oct., 22 Henry VIII. [1530]. O.I. g.

¹ Parish Registers were not ordered to be kept until 1538.

James Goor, aged 74, uncle to the said Henry Orsawe, says that the said Henry was 16 years old at the beginning of the said bargain and 17 years at the end thereof: he only received £8 for all his lands. The day after the taking of this deposition witness was "laboured" by Richard Stopforde in the names of Sir William Molyneux, Knight, and Thomas Halsall, Esq., to stop at home and not to come before the commissioners again. Divers other persons who intended to appear were stopped in the said way.

Elizabeth Gresse, wife of George Gresse, of Craunton [Cron-ton], aged 56 and more, says she was Godmother to the said Henry Orsawe, who was christened at the Parish Church at Halsall on St. Cuthbert's day in Lent, "next affor" that she was married to her said husband, which is 28 years ago.

O. 1. h.

Roger Heyward, tenant of James Halsall, aged 50 years and more, never knew of any persons being threatened. Says that plaintiff will be 35 years old at "Bartilmewtyde" next coming.

John Ley, of Mellyng, aged 46 and more, as above.

*Depositions on the part of defendant.

Ellys Hale, tenant of Perys Letherland, aged 56 and more, has never been threatened.

Richard Birche, tenant of Thomas Halsall, aged 60 and more, deposes that the last payment of the said £30 paid by the said Sir Henry to plaintiff for his lands was £8 in "Angell nobals." The said Sir Henry bought the said lands for witness, "which" was executor to Sir Henry Molyneux, who, by his will, bequeathed £60 with which to purchase lands for a chantry in Halsall Church.

Edmund Haskyn, tenant of the said Thomas, aged 34 years and more, as above.

O. 1. i.

Depositions on the part of Orsha.

John, of the Abbey, aged 60 years and more, says that no man ever threatened him or persuaded him to stay at home, but that as soon as he saw the King's writing under his seal, he appeared

before the Commissioners. Knew plaintiff's father, whose name was Richard Orsha. The said Sir Henry Halsall bought the said lands to make a chantry in Halsall Church according to the will of Sir Henry Molyneux, priest, who left money for that purpose.

Elizabeth Greise, tenant to the Abbot of Whalley, says she was never menaced. Henry Halsall, gentleman, brother of the said Thomas, is steward in Croneton [Cronton], where she dwells, and she was the more "arghe and dredefull" to appear because of their displeasure, who had been good masters to her, but when she saw the Commission she appeared.

At the feast of St. Cuthbert last past plaintiff was aged 30 years and not "elder." O. i. j.

This is a copy of Thomas Halsall's book, which must be examined by the said book, for it was delivered by him after we, the said commissioners, had risen and departed.

Memorandum, that the wife of Richard Orshawe, mother of plaintiff, was churched in the Parish Church of Halsall in 1498, as appears by an authorised book thereof, made by Sir William Houghton, curate of Halsall at that time.

The said Richard Orshawe was buried there in 1501.

Know all men that I, Henry Orshawe, of Lydyate [Lydiate], have received of Henry Halsall, Knight, £8 in full satisfaction of the whole sum of money to me owing, and specified in certain indentures made between us 3rd April, 11 Henry VIII. [1520].

Dated 4th July, 12 Henry VIII. [1520].

Witnesses: James Halsall, gentleman, Henry Halsall, George Hale, priest, John Heskin, priest, Richard Leye, Richard Birch, Henry Thomasson, and others.

CHRISTOPHER HAYDOK, MAYOR AND BURGESSES OF PRESTON,
versus RICHARD SMYTH, *re* SEIZURE OF GOODS AND CLAIM
 TO EXECUTION OF PROCESS FOR DEBT.

*To the Ryght Honorable Sir Thomas Mor, Knyght, Chauncellor of
 the Duchie of Lancastre, and other of the Kyng's most
 honorable counsell there.*

Vol. v.
 [Calendar 3.]
 H. 7.
 21 Hen. VIII.
 [1529-30.]

“SHEWITH your dayly Oratores and beadysmen Cristofer Haydok, Maior of the Kyng's Towne of Preston, in Amoundernes,” in the county of Lancaster, and “other the annceynt brether and burgesse” of the said town, that whereas one Rich^h Smyth, late burgesse of the said town, had divers actions commenced against him for certain debts and sums of money which he owed to one Rauff Browne, of Wygan, in the said county, and that thereupon certain goods of the said Smyth were “arrested” in the said town of Preston, for such sums of money as the said Brown had recovered against him, and were “praysed by iiij persons Indyfferent, and the money that suche said godes wer praysyd unto wer delyvered to the party playntyff for execucon of parcell of the said debt,” by the King's officers of the said town, according to the “old usage and aunceynt custome of the same.”

“Seyng that,” the said Smyth privily removed the rest of his goods from Preston to Kirkham, where he now dwells, so that neither the said Mayor nor the officers could make no further execution until such time as the said Brown did “Estsones” [? essoyn] arrest the said Smith at Preston, and commenced sundry actions against him, to which he made answer and found surety to make answer, and thereupon was condemned by the “veredede” of 12 indifferent persons. For the rest of the said debts the said Smith has found sureties, who stand bound by obligation to pay the said Brown at certain times prefixed.

The said Smith, not regarding the King's laws and bearing malice against the plaintiff, arrested your orator's goods at Kyrkham, although he did not owe him a halfpenny (ob), and com-

menced certain actions against plaintiff, who afterwards, by "verede" of 12 persons, "which Sūme of theym be not of gud fame," was condemned in the sum of 23s. 4d., by which means he is without remedy, to the great hurt of the said town of Preston, unless he be speedily discharged thereof.

Prays for remedy.

"T. Trin. A° rr H. viij. xxj° [1529].

H^o upon a prive seale to Ric. Smyth, of Kyrkham."

CHRISTOPHER PEMBERTON AND JAMES CHEETHAM *versus* RALPH
CULCHYTH AND OTHERS *re* TRESPASS AND DILAPIDATION OF
HOUSES, BARNES, AND FENCES, AT HYNDLEY.

*To the Ryght Honorable Sir William Fitzwilliam, Knyght,
Chauncelor of the Duchie of Lancaster.*

"SHEWEN and Complaynen unto yor good mastershipp" your orators Christopher Pemberton and Jemes Chetham, of Hyndeley [Hindley], in the county of Lancaster, laborers, that whereas they newly-built "out of the grounde," 2 several tenements in Hyndley, about 10 years last past and enjoyed the same in peaceable manner, until now of late that one Raff Culhyth, James Higham, William Higham, Thomas Hygham, Edward Bate, William Smyth, Raffe Hyndeley, Thomas Mathur, and divers other riotous persons to the number of 70, whose names do appear in a schedule hereunto annexed [now missing], about the 8th day of July last, in the 21st year of the reign of King Henry VIII. [1529], riotously arrayed, that is to say, with "bylles, axes, pyk-forkkes, stafes, matokkes, and spades," assembled together and with force and arms hewed in sunder the timber of their houses and barns in sundry pieces, destroyed much of the goods within the same, cast down the hedges and ditches of your orators' closes, and utterly destroyed their corn and grass, to their utter undoing, unless the favor of your good mastershipp be to them shewed.

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[Calendar 4.]
P. 9.
21 Hen. VIII
[1529-30.]

Prays for Letters of Privy Seal to be directed against the said riotous persons.

“Termio Hillarii A° r̄r H. viij. xxj°.

H^oupon a privy seale to Rauff Hyndeley, of Hyndeley [Hindle], John Sedon (?), of Hyndeley, William Higham, James Higham, and Thomas Higham, mense Pasche prox.”

ELEN URMESTON AND RALPH URMESTON *versus* JOHN URMESTON
re DISPUTED TITLE TO LANDS (IN JOINTURE) AND LEIGH
 PARSONAGE.

To the Right Honorable Lordes Justices of Assise at Lancastre.

Vol. viii.
 [Calendar 6.]
 U. I.

21 Hen. VIII.
 [1529-30.]

“MEKELY Shewith and petuously compleynyth to youre good and gracious lordshippes havynge the Kynge’s lawez in thies partiez in governaunce,” your oratrix Elyn, late the wife of John Urmeston, Esq., of the parish of Leigh, within the County Palatine of Lancaster, “impotent widow,” and Rauff, her son, that where your oratrix was peaceably seised by certain “feoffars” to her use by the gift of the said John, her husband, of lands to the yearly value of 10 marks, in the name of her “Joyntrey,” and also after the death of her said husband was, at Lancaster Sessions, endowed in lands to the yearly value of £4 9s. 4d. and thereupon, by the commandment of the same Justice, was lawfully possessed of the same by William Smith, the King’s Escheator, as more plainly appears by the deed of the same “al Redy to be Shewyd.” “And over that whereas it was so that” the same John Urmeston, Gilbert Urmeston, his father, and other their progenitors of long time have had the “takke” and grant of the parsonage of Leigh, to them and their assigns. The said John, by his last will, “gaff” all his goods, moveable and immoveable, to your oratrix, and made her his executrix. “And it is so,” that John Urmeston, son and heir apparent of the said John, within certain years after his father’s death interrupted plaintiff in her occupancy of the said lands,

whereupon, by the mediation of friends and by the commandment of "my Lord of Derby," obligations were made in the sum of £100, and thereupon a "dome" was geven, but this notwithstanding, the said John (the son) has put out the tenants from the occupation of the said lands, and has taken the same (lands) into his own hands and has kept the profits thereof to the yearly value of 41s. 8d., and will continue so to do but for your help and succour.

And moreover, whereas plaintiff's said husband, by his will declared that the "takke" of the said parsonage, after his decease, should remain to your suppliant to the intent that she should "releiff her childer in mariage and oyer wayes:" which "takke" has "byn withdrawn hir this xxij. yerez by past every year clere aboue al chargez xliⁱⁱ sum [total] Dccclxxxⁱⁱ," besides the withdrawing of her jointure to the yearly value of 41s. 8d., and besides other takkes of ground and farmholds left to your "besucher" by her said husband withdrawn to the sum of £100, as more plainly appears by the said testament remaining in the hands of the said John, "which wil not be gotten to come to no tryall except your good help." Wherefore, considering that plaintiff is of the age of 92 years, "that it would lyke" you to call the said John, "here beyng in present cessyons," before you to make redress and to answer the premises, and that then it would like you to "putte yor signe manuell unto this saide bill and to directe it to the Jugement of my lord cardynall, or to the chaunceler of the Duchey, at London."

"Termio sc̃i Mich̃is A^o rr H. viij. xxj.

H^oupon a comysion to Sir Alex. Ratclyff, Knyght, Sir William Leylond, Knyght, Piers Lysle, Squier, and Andrewe Barton, Squier, they iij. or ij. at lest and to certifie xv Hill^o."

Commission Writ dated 14th Nov., 21 Henry VIII. [1529] directed to Sir Alexander Ratclyff, Knyght, Sir William Leylond, Knyght, Piers Lysle, and Andrewe Barton, Esqrs., commanding them by oath, evidences, witnesses, examination, and otherwise,

U. 1. a.

to find out the truth of the complaints made by Ellen Urmeston, and Rauff, her son, against John Urmeston, and to "sete ende bittwene" the said parties if possible, but if any of them are obstinate, refusing "your reasonable therein," then you shall take good surety of them to appear personally before Our Chancellor at Westminster in the quindenc of St. Hilary next coming, there to answer to the premises.

U. i. b¹

The answer of John Urmeston to the bill of complaint of Elyn Urmeston, widow, and Raff Urmeston.

For answer defendant says that John Urmeston, his father, was seised of certain lands and tenements lying in Westley [West Leigh], in the county of Lancaster, in his demesne as of fee tail by reason of a gift thereof made by Gilbert Urmeston, defendant's grandfather, to the said John Urmeston and Margaret, his wife, defendant's father and mother, and to the heirs male of the body of the said John by the said Margaret; which said John the father, after the death of the said Margaret, "espowsyd" the said Ellen, the now plaintiff, and made a discontinuance of the premises to John Molyneux, Clerk, and others in fee, who made estate thereof again to the said John Urmeston and Elyn for term of their lives, by force whereof the said John and Elyn were seised thereof in their demesne as of freehold.

After the death of the said John, the father, defendant, as his son and heir male by the said Margaret, commenced and pursued a writ of "forme downe" [formidon] against the said Elyn then being tenant of the said premises, who then made intercession to divers of her friends that the said matter might be heard by some "indifferent" persons and an agreement arrived at, whereupon, by the motion of the friends and lovers of both the Elyn and the said defendant the right and title of all such lands as the said Elyn claimed for her jointure, and also the use and interest of any dower which she pretended to have of the inheritance of the said John, the father, were put to the award of the Rt. Hon. Lord Thomas, late Earl of Derby, and both plaintiff and defendant were bound in the sum of £100 to perform [and] fulfil the said award.

Thereupon the said Earl, on the 18th day of January, 2 Henry VIII. [1511], by his writing, indented, sealed with his seal, and signed with his own hand, ordained that the said Elyn should have one messuage in Westley [West Leigh] wherein she then dwelt, with divers other lands, tenements, and rents, in the county of Lancaster, for term of her life in full satisfaction of all her jointure and dower, by force whereof she has ever since continued in the said house and has taken the rents of all the said premises without interruption by defendant : Howbeit now of late since the feast of the Nativity of St. John the Baptist now last past the said Elyn by "froward persuacon and sotyll Intysment" of the said Raff Urmeston refused 20s. 10d. of certain yearly rents appointed to her by the said award ; also 22s. 5½d. of like annual rents due to her at the feast of St. Luke now last past, and 20s 10d. due to her at the feast of the Nativity of Our Lord now last past, to the "only purpose to have a feynyd Colour to vex and trowbyll the seyd now defendant wythowt Cause or Grounde reasonabyll ;" which said rents defendant has always been ready to pay to plaintiff if she would receive the same. As to the "take" of the parsonage of Leygh, defendant says that the said Gilbert Urmeston, his grandfather, John, his father, and one William Urmeston, brother of the said John the father, were jointly possessed of the said parsonage for a term of years now fully ended, to the only use of the said Gilbert, who, by his last will, bequeathed the said term to the said John and William his sons, who were jointly possessed thereof. Furthermore, the said Gilbert willed that if the said John died before the said years were ended that then the said "Take" should remain to the heirs male of the said John and to the said William.

Afterwards, the said Gilbert and John died, and the said William survived them, by force whereof he, by reason of the said gift and of the said will, was solely possessed of the said parsonage to his own use, and he being so seised gave the said term to defendant, who took the profits thereof until the said lease was fully ended. Without that that defendant has prevented the said Elyn from taking the profits of the said premises, &c.. &c.

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HIL. TERM, 21 HENRY VIII.

Inter
Urmeston and
Urmeston.

It is ordered that the said John Urmeston shall suffer the said Elen Urmeston, widow, to occupy the said lands, tenements, and rents according to the last award made between them by Thomas, late Earl of Derby, to wit, the said Elen to occupy the house she lives in with the lands thereto belonging, 2 closes called Blackmerwoods, and 1 other close called Lawrance ffield, lying in Abrams, in the parish of Wigan, for life; also the annual rents of 6 tenements going out of certain parcels of ground lying in Hyndeley [Hindley] and Westley [West Leigh], in Wigan, for life; which said award is dated 18th January, 21 Henry VIII. [1530].

HENRY ACKERS, THE KING'S FARMER, *versus* WILLIAM HARRYSON
AND OTHERS, *re* BREACH OF CUSTOM OF TOLL OF THE
FERRY AT LYVERPOLE AND RUNCORN.

*To the Ryght Honorabull Sir William Fitz William, Knyght,
Chauncellor of the Duchie of Lancastre.*

Vol. vi.
[Calendar 2.]
A. 3.
21 Hen. VIII.
[1529-30.]

"SHEWYTHE unto your Mastershippe" Henry Ackers, the King's farmer, of the custome and toll of the town of Lyrpole [Liverpool], and ferry of the same town, in the county of Lancaster, parcel of his Duchy of Lancaster, that whereas he and all other the King's farmers of the said ferry have always had a boat to ferry over the water at the King's towns of Lyrpole [Liverpool] and Runcorn, as well for themselves as for such of the King's subjects as wished to cross over there, and have taken the advantages thereof, and have also taken custom for the cattle that where ferried over there: and whereas no other person has had a ferry there but the said farmer: yet now of late William Herryson, John Jamys, John Davidson, Thomas Fitzakerley, Thomas Chawner, Richard Whittefeld, Thomas a Brygehynd, William Ansdale, John Brede, Richard Sampson, Henry Ansdale, Thomas Ansdale, and John Gregory, having 3 boats amongst

them, for these 2 years past have usurped the King's possession, and ferried over themselves and his Majesty's subjects, and have taken the profits thereof to their use, so that your orator is not able to pay the rent for the same.

"Tm̄io Michis A° xxj°. H. viij. [1529].

H^upon commission to the Mair of Lyrpole [Liverpool] and William More, squier, to examyne the matter, and to order yt. &c., and to bynd such as will not be conformable to ther order to apper xv. Hill. prox."

ROBERT AYNESWORTH, AND KATHERINE, HIS WIFE, *versus* SIR RICHARD BRERETON, KNIGHT, AND OTHERS, *re* TITLE TO FARMHOLD, &c., CALLED BOTHEBANKE, IN WORSLEY.

To the Right Worshipfull Sir Willyam ffewilliams, Chaunceler of the Dochy of Lanc.

"IN most humble wise compleyneth" your orators Robert Aynesworth, and Kateryn, his wife, that whereas in Trinity term last there was variance between your said orators and Sir Richard Brureton, Knight, about a farmhold called the Both Banke, in Worsley, in your county palatine of Lancaster, whereupon there was awarded out of this court a commission to certain persons to examine into the matter, and afterwards, in Hilary term last, it was ordered by your Mastership that your orators should enjoy the said premises until the case was determined: and also at the Assize held at Lancaster, the 20th day of August last, Sir Humfrey Connygesby, Knight, one of the Judges of the King's Bench, upon complaint made to him by your orators, called before him Jamys Medowys, of the parish of Rostorne [Rostherne], in the county of Chester, bailiff and servant to the said Sir Richard Brureton, and there commanded him, upon pain of £10, to suffer plaintifffs to enjoy the said premises in peace: yet this notwithstanding, the said Jamys Medowis, William Hocknell, of Longnore, in the county of Shropshire, gentleman; *alias*

Vol. vii.
[Calendar 5.]
A. 1.
22 Hen. VIII.
[1530-31.]

William Hockenell, of Acton Bornel, in the said county, gentleman; Raffe Borure, of Rostorne [Rostherne], in the county of Chester, carpenter; Thomas Dodeson, of the same, carpenter; Olyver Derbshire, of Worsley, in the county of Lancaster, husbandman; Alexander Derbshire, of the same, husbandman; William Coke, of the same, husbandman; and Olyver Taylour, of the same, husbandman, with divers other persons to the number of 14, on the 21st day of February last, by the commandment of the said Sir Richard, riotously assembled at Worsley with "swordes, buclers, stavys, billes, daggers, axes, pytcheforkes, yron mallys, spades, pykkes, and other weapons defensive," and with force and arms entered into the said farmhold, put out of the same the wife, children, and servants of the said Robert Aynsworth, riotously "bette" his said wife, "she beyng with child, by reason whereof she was in gret perill of deth," put out all the cattle of your said orators from the said ground, and "dyd not onely ete, wast, and consume with ye besse of ye seid Sir Richard all such hey and straye" as was ordained by plaintiff for his own cattle, but also by reason thereof caused plaintiff's cattle to be lost and famished for lack of meat and keep; they also converted the said ground into pastures contrary to divers estates thereof made, pulled down the said house and carried away the timber thereof, spoiled and threw away all the stuff of the said Robert "at large," and carried away part of his household goods, whereby the chattels of your said orators are "clerely embaseled" and lost to the value of £10 and more, whereby they are utterly undone, unless your gracious favor be to them shewed in this behalf.

Prays that Sir Richard Brureton may be called upon to answer the premises, and that writs of Privy Seal may be directed to the said James Medowes and others, commanding them to appear before the said Chancellor.

"T. Hill^p A^o rr H. viij. xxij^o.

H^oupon a prive seale to James Medowes, William Coke, and Oliver Derbyshyre, to apper tres^d. Pasche prox."

"The answer of Sir Richard Brereton, Knyght, to the byll of compleynt lately putt yn ayenst hym and other in the Duchie Chamber at Westm., by Robt. Aynesworth, and Kateryne, his wyff, in Ester term, in the xxijth yere of the reign of our Sovereign Lorde Kyng Henrye the viijth. [1520]."

A. I. a.

The said Sir Richard says that he did not know that any such commandment was made by the said Chancellor, neither did he know that James Medowe, his bailiff, was ordered to allow the plaintiffs peaceably to enjoy the said premises.

For further answer the said Sir Richard declares that forasmuch as the greater part of the said Messuage and lands now in variance are parcel of the demesnes of his manor of Wurseley [Worsley], in the county of Lancaster, whereof he and Dame Jane, his wife, as in the right of the said Dame Jane, are seised in their demesne as of fee: forasmuch also as there were 2 messuages set upon the said ground, one whereof was ruined and decayed, and that the said Sir Richard would, for this cause, have been compelled to repair both the said messuages, whereas one of them was fit to maintain a "tenant enhabytaunte," the said defendant commanded the said James Medowe, his officer and servant, in peaceable manner to resort to the said premises, and by the advice of a carpenter there to cause the said ruinous part to be taken down, and such timber as could be saved to be put into another house, which the said James Medowes accordingly did without any riot, assembly, or force.

The replication of Robert Aynesworth, and Kateryne, his wife.

A. I. b.

Plaintiffs say that the said Sir Richard Brureton was present in court when the said said commandment was given to him. And forasmuch as he confesses to having pulled down the said house, plaintiffs pray that he may be compelled to rebuild it, and to restore to them all the goods and chattels which were taken away and destroyed.

The Rejoinder of Sir Richard Brereton.

A. I. c. Defendant denies that he caused the said house to be pulled down out of malice to the plaintiff, or to the intent thereby wrongfully to undo him, &c., &c.

A. I. d. The answer of James Medowe and Olyver Derbyshire to the bill of complaint of Rob. Aynesworth, and Kateryne, his wife.

The said James Medowe says it is true that the said Sir Humfrey Conyngesby, Knight, at the said Sessions, "at the specyall labour," and by the untrue information of plaintiffs, commanded him not to meddle with the possession of the "meses and lands" called the Bothebank, then in variance, until Sir Alex. Radclyff, Knight, Henry of Faryngdon, and Richard of Ashedon, Esq^{rs}, commissioners, had enquired of the truth of the premises. Afterwards it was duly proved before the said Sir Alexander, &c., by divers and many good and substantial witnesses, that neither the said Robert Aynesworth or his wife had any lawful title to the premises, as by the certificate of the said commissioners returned into this court it more plainly appears. Thereupon, the said Sir Richard, about the Feast of the Purification of Our Lady then next ensuing, commanded the said James Medowe to resort to the said premises in a peaceful manner, and pull down the ruinous part thereof, which he shortly afterwards did, taking with him Rauff, of Bowre, and Thomas Dowdeson, carpenters, and Oliver Derbyshyre, and Alexander Derbyshire, labourers, who had with them only carpenters' axes and other "toles and hokes" with which to pull down the thatch and timber.

The said James and Oliver deny that they were guilty of any riot or assault.

A. I. e. The Answer of Sir Richard Brereton, Knight, to the bill of complaint of Robert Aynesworth and Katherine, his wife.

The said Sir Richard says that he and Dame Jane, his wife, are seised of the manor of Worseley in their demesne as of fee, and that the messuage and lands called the Both banke are parcels of the said manor and have often been let to farm by him and the said Dame Jane, sometimes for term of life and sometimes for term of years. Of late Adam Hilton and Elis Hilton held part of

the said premises for their lives for a yearly rent, after whose death the said Sir Richard entered into the said messuage and lands and let part thereof to one of his servants for term of his life. Without that that the said plaintiffs or any of the ancestors of the said Katherine have held the said premises time out of mind, of the lords of the said manor, by reason of any custom there or for any yearly rent as in the said bill is alledged [this is *not* in the bill] and without that that the said *Richard* [Robert?] and Katherine were at any time tenants of the said Sir Richard, and if the father of the said Katherine or any of her ancestors spent anything upon the said premises it was for their "avn singuler proffite."

One of the servants of the said defendant received of the plaintiffs certain money for the farm rent, repairs, and other duties due to him by the said Elis and Adam Hilton, without that that the plaintiffs paid to defendant, £14 "for havyng of his ffavor."

The more plainly to prove that there is not, neither has ever been any such custom used in the said lordship, nor in the said county "ne thereabcut," that any manner of messuages, lands, or tenements should by held by any man of any such custom, the said Sir Richard says that it appears by records remaining in this Court, and by depositions taken before Sir William Leyland and Sir Alexander Radecliff and others, the King's Commissioners, concerning the custom in a like manner, then depending between the said Sir Richard and Nicholas Bolton of another parcel of land, parcel of the said lordship, wherein like custom was "surmytted" by the said Nicholas, that no such custom had ever existed in the said county, as the said commissioners proved by their certificate.

THE ABBOT OF COKERSAND, *versus* THE TENANTS OF THE
 ABBOT OF COKERSAND, OF HIS LORDSHIP AND TOWN OF
 WESTHAUGHTON, *re* DECREE OF THE CHANCELLOR
 REGARDING THE TERMS OF HOLDING OF
 MESSUAGES, &c.

Vol. xxi.
 [Calendar 15.]
 C. I.
 21 Hen. VIII.
 [1530.]

THE matter in variance between the Abbot of Cokersand, in the county of Lancaster, of the one part, and his tenants of his town and lordship of Westhaughton, in the said county, of the other part, concerning such interest as the said tenants¹ farmholds in Westhaughton by tenant-right from 19 years . . . was "compromytted" by the consent of both the said parties by their writings authorised under their seals to the order of the Chancellor and Counsel of the Duchy of Lancaster, and thereupon after complaint, answer, replication, proofs, &c., &c. of both parties examined and understood, it is ordered by the said Chancellor and Counsel as follows :

C. I. a. First, that such of the said tenants as now have in possession of the lease or grant of the said Abbot, or any of his predecessors, by indenture or otherwise, by his court roll of the said manor of Westhaughton, any messuages, lands, or tenements to hold for a term of years, or life, or otherwise, whose terms have not yet expired, shall peaceably enjoy all their interest and term therein, they doying, paying, and performing the suits, rents, and services thereof due and accustomed. And where by the allegation of the said tenants and by the depositions of many of the witnesses on their behalf, it is declared to be customary for the tenants to have their farmholds as tenant-right from 19 years to 19 years, paying only at every change to the Abbot one penny, called an "erdest penny," and another penny to the steward of the said lordship called an "entr' penny," without any other fine or "ingression : " It appears to the said Chancellor, as well by the counterparts of several indentures and by divers court rolls and accounts showed to them on behalf of the said Abbot as also by the deposi-

¹ Original MS. torn away.

tions of divers witnesses, that the said Abbot and his predecessors have usually let their said messuages and lands for 19 years, taking for such lease from time to time such reasonable fines as the said Abbot and the "taker" could agree upon. In some of the said indentures this proviso is contained, that if the tenant died within the said term, or granted his interest to any person without the assent of the said Abbot, or sought for maintenance against the said Abbot in any cause or quarrel; that then it should be lawful for the said Abbot to re-enter the said premises: It is now ordered that such as now occupy the said messuages and lands by colour of tenant-right and without any lease, and be disposed to continue in their farmholds and to have a lease in the same, shall, at the next court of the said Abbot, have new leases by indenture under his Convent seal or by court roll for the said term of 19 years of such premises as they now occupy, paying for the same their old accustomed rents and services, and also such reasonable fines at their first entry as shall be agreed upon. And thereupon the said Abbot, by indenture or court roll, at the pleasure of the said tenants, shall make to them the said leases for 19 years, and when they shall be disposed to take another lease then the said Abbot shall make to them a new lease for 19 years. And "if any tenant by deed his term being expired at the time of his decease," then the said Abbot shall make to his wife, if he have one, and if not to his next heir "in blode" a lease of such farmhold as his ancestors had of the said Abbot for the said term of 19 years, that is to say, the said term to be to the said wife if she live sole, or else to the next heir "in blode," the said wife and heir for each such new lease paying the old rents and services. It shall be lawful for the said Abbot to put in every new lease the following proviso, that it shall not be lawful to the lessee to do any waste or destruction, nor to grant or sell his interest to any person without the consent of the said Abbot. But the said tenants shall have full power to devise his term and interest at the time of his decease to his wife or any of his children at his pleasure, who shall enjoy the same according to his will without paying any fine

C. 1. b.

C. 1. c.

C. 1. e.

C. i. f.

for the same, except 2d. for admission in the court roll. If the wife or heir of any such tenant refuse to take the said premises after any term expired or after the decease of such tenant, then the said Abbot shall provide a tenant at his pleasure and make him a lease for 19 years. And whereas it is shown that certain messuages and houses have been built by divers of the said tenants at their great cost upon the common and waste ground of the said lordship, the freehold and inheritance whereof belongs to the said Abbot: It is ordered that all the said tenants who have so built shall, at a court to be held by the said Abbot, take all the said houses to hold to them and their heirs by copy of court roll, after the nature of copyhold land. At the death of any tenant thereof, and at each sale of the said houses or change of tenant the person who ought to have any of them shall from time to time pay on their first entry such fine as shall be agreed upon. It shall not be lawful for any of the tenants hereafter to build upon any part of the said waste without the consent of the said Abbot. Forasmuch as the said Chancellor and Counsel desire that the said Abbot should be charitable and reasonable in the taking of fines; it is ordered that in case he should be "extreme" in the taking thereof and exceed the old taking therein, causing the tenants to "forsake" their leases, and if it shall be so presented at any court by all or the greater number of the tenants, then such fine shall be reformed and redressed and the said Abbot shall stand by such decree. All the said tenants shall maintain the building and repairs of their tenements, and do no waste, and it shall be lawful for the surveyors and officers of the said Abbot to enter the said premises to see to the decay and waste thereof, without interruption of any. And if any wastes, decays, or other offences be presented, then the said Abbot shall have such fines, penalties, and advantages as shall be appointed, and as he and his predecessors have been accustomed to take in such cases. If any of the said tenants will not conform to the premises, but refuse to be ordered by the said decree, then the said Abbot to be at his "large" and liberty to sue for remedy at the common law.

THE KING *versus* ALEXANDER, ABBOT OF FURNESS, *re* TITLE
TO TOLLS, SHERIFF'S TOURN¹ AND PRISAGE² OF WINE, AT
FURNESS, COLTON CHAPEL, AND TWATE MOSS.

Informacon geven by William Tunstall, Termio Trin. a° xxij°,
R. H. viij.

MEMORANDUM that the Abbot of "Furnace" [Furness] has "desayvyd" the King's grace of the last subsidy granted to his grace by Act of Parliament the sum of £250.

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[Calendar 6.]
R. 1. a. [sic.]
22 Hen. VIII.
[1530-31.]

Item. The said Abbot takes upon himself to have a free port in "furnace" [Furness], and thereby deceives the King of his custom, and takes "pryse wyne and Angkerege." Also of every ship with corn a "serten [toll] by formast and a serten [toll] by aftermast," and so of all other ware that comes by ship which is yearly worth 5 marks, "and thus he hayth used xxxiiij^u yeres."—Sum. Cx. li.

Item. The said Abbot deceives the King of 20s. rent by the year, which he ought to pay to the King for his "shyryff turne and blude sheddys within hys lybertees of furnace" [Furness].—Sum. xxxij. li.

Also in taking a subsidy or tax of certain of his poor tenants dwelling "nye" Colton Chapel in Furnace [Furness], gathered by two of his tenants, then being constables of that place, the one of them named George Dogeson and the other Robert Skabe dwelling at twate Mosse.—Sum. iij^l. ijs. iij^d.

"The aunswere of Alexander, Abbot of ffurnes [Furness], to the informacon of William Tunstall."

R. 1.

To the first article the said Abbot says, that by the authority of the King's Act of Parliament he was assessed by his ordinary to pay to the King every year for 5 years the sum of £70 sterling, which he has well and truly paid; at the time of such assessment

¹ Tourn—Sheriff's Court.

² A custom for the King to challenge two tons of wine at his own rate out of every shipload of less than 40 tons.

the said ordinary "bare displeasure" to the said Abbot and "did avaunce the Kynge's highnes in the same assessing more then good reason wold."

To the 2nd article the said Abbot says that he is seised of a certain "creke," which he supposes is the same port named in the said information, whereof he and his predecessors have been seised "without remembrance of any man" as in the right of their said monastery, and during all that time whenever any ships come and resort there and cast their "ankers" within the same and bring any wares and merchandises upon the lands of the said Abbot and put them to sale, then they that so do have always been accustomed to pay to the said Abbot a certain small toll, the whole profits whereof yearly extend to about 20s.

To the 3rd article defendant says that he is seised of the said "Shirrif Turne and blode sheddes" as of fee in the right of his said monastery, discharged of any yearly payment for the same by the King's Letters Patent.

"The said Abbot denyeth the said fourte article to be true, &c."

THOMAS HALSALL *versus* SIR EDWARD MOLYNEUX, CLERK,
AND OTHERS, *re* ILLEGAL LEVY OF AMERCIAMENTS UPON
ESCAPE OF FELONS AT FORMEBY [FORMBY], &c.

*To the Ryght Honorable Sir Wyllyam Fitzwylliam, Knyght,
Chaucellor of the Duchie of Lancastre.*

Vol. viii.
[Calendar 6.]
H. 7.
22 Hen. VIII.
[1530-31.]

"IN moste humble wyse complaynyth," your orator Thomas Halshall, of Halsall, within the County Palatine of Lancaster, Esq., that where before this time your orator sued your Mastership concerning "too severall escapes of too sundry persones ffor certeyn murdre" committed within the town of Formeby [Formby], in the county of Lancaster, for which escapes a fine of £10 was assessed by the King's Justices of Assize upon the inhabitants of the said town of Formeby [Formby], and thereupon the King's "moost drede" letters of commandment, were directed to Sir Alexander Radclyf, Knight, then Sheriff of Lancashire,

commanding him to levy the said fine of £10 to his Majesty's use; for the which fine the said Sir Alexander distrained as many oxen, kine, and other cattle of the tenants of your orator dwelling within his manor of Downeholland [Down Holland], in the parish of Halsall, as amounted to the said sum of £10 and more, "where in traethe" his said tenants never were inhabitants of nor "resyant" in the said town of Formeby [Formby], so that by "cohercon" and to save their said cattle plaintiff has paid the said £10 to the King's use. The levying of the said money at Downeholland [Down Holland] was "mere contrary" to the King's commandment.

Upon plaintiff's suit, made to Sir Thomas More, then Chancellor of the said Duchy, it was ordered and thereupon the King's Letters were directed to the Justices of Peace of the said county, and to the said Sir Alexander, William Molyneux, Knight, Thomas Gerrard, of Ince, Esq., Henry Farryngton, Esq., and John Eccleston, Esq., willing that neither plaintiff nor the said tenants of Downeholland [Down Holland] should be distrained for the duty of the township of Formeby [Formby], but that the inhabitants of Formeby [Formby] should be solely charged with the said £10, which they should repay to plaintiff. Thereupon the said commissioners came to Formeby [Formby] and had the inhabitants before them, and assessed the said fine of £10 upon them. And so it is, that by the confederacy of Sir Edward Molyneux, Clerk, Ellys Formeby [Formby], of Formeby, James Aynesdale, Ellys Jompe, Robert Rymor, Perys Molyneux, and other "mysruled" persons to the number of 100 dwelling in Formeby [Formby], the inhabitants threaten to kill any person who shall come and distrain for the said £10. The said commissioners appointed a certain day for the payment thereof, upon which day they sent their servants to levy the same, whereupon the said Ellys Formeby, James Aynesdale, Ellys Jompe, Perys Molyneux, and Robert Rymour got into a great rage and fury and said openly that they should have no money there, and that if any of the tenants and inhabitants paid the portions upon them assessed their houses should be burnt down, by reason whereof plaintiff cannot obtain his said money.

Prays for Letters of Privy Seal to be directed against the said wrongdoers, commanding them to appear before your Mastership to answer to the premises.

“Termio Hillarii A° rr H. viij. xxiij°.

H^oupon A privy Seale ayenst James Aynsdale, Elys Jompe, and Robt. Rimor, and to every of them to apper Mense Pasche prox.”

H. 7. a. (Copy of above.) “Termio Sçi Michis A° rr H. viij. xxiiij°.”

THOMAS HALSALL AND OTHERS, TENANTS OF HALSALL, *versus*
THOMAS KYRKEBY, PRIEST, *re* CHARGE OF EXTORTION
FOR SPIRITUALTIES, IN HALSALL MANOR.

*To the Ryght Wyrshipfull Syr Wylliam ffytzwyllyam, Knyght
of Ryght Honorable Ordre of the Garter, and Chaunceller
of the Duchie of Lanc.*

Vol. vii.,
[Calendar 5.]
H. 3.
22 Hen. VIII.
[1530-31.]

THOMAS Halsall, Esq., lord of the manor of Halsall, in the county of Lancaster, and “verie” patron of the Parish Church of the same town, and other his tenants and poor inhabitants of the said parish, “the which is a greate parishe and of a greate nomber of people,” so that the parsonage thereof is of the clear yearly value of £100 or “therupon,” complain of the “greate dayly abusions, mysdemeanors, sedicious and erronious wordes and actes” committed and done by one Thomas Kyrkeby, parish priest of the said Church, to Master Richard Halsall, parson of Halsall, “the which causez yf they be not souner reformed by thys honorable court, may turne to the perlous example, losse, and hurt of the said parishons [*sic*] and of other of those partyes, and to the greate displeasure of gode and of the Kyng our sovereigne lorde.”

First, the said Thomas Kyrkby, of his most “inordinate and ambitious mynde of late hath used,” when any man or woman of

the said parish happened to "be in any grete infirmitie or desease by reason whereof they do lye seke in their beddes," to come to their lodgings under pretext of visiting them, and then to move them to make their will, causing the people there present to "avoyd" out of the chambers or house, and then persuading the said sick persons to bequeath him some of the goods, chattels, or money, saying that if they do so he will have them in remembrance and pray for them. Sometimes even he will tell them that they are bound to leave him something, and that they should reward their "goostely ffathur," by which means he sometimes obtains both money and goods. If he cannot persuade them to do as he wishes, he himself makes their will and compels them to leave something to him, "though the seke were in povertie and indetted," so that one way or another he has at divers times obtained from the said parishioners sums of money and goods.

Also the said Thomas Kyrkby, in order to put the said parishioners in dread and despair, announced openly from the pulpit one Sunday in the said Church, that whoever was the first cause of putting away the "mortuaryez" from the Curates as of late had been down he was accursed, as were also all those who assented thereto. At another time he said to the said parishioners that the souls of their fathers and mothers were "brennyng in the payne of purgatorie or hell," and many other "sedicyous and erronious wordes," which many of them took for "trouth," and were much distressed thereat: for which seditious words he stands indicted before the Justices of the Assize.

Also perceiving that divers of the said parishioners had in their possession divers "Tackes as well of Tythe Corne and hay as of Wolle and lambe," and other tithes which Master Richard Halsall, parson there, had before let to them as parcel of his parsonage tithe for a yearly rent, the said Thomas Kyrkeby, of his covetous mind, has taken them from them into his hands, "where he kepith no housholde but lyth at borde in othur mennez housez and at the ale house by the meeles," so that by this "extorte and malycious power the sayd pore men cannot enjoye the sayd

Tacke, unto the grete losse of the parishioners and hyndrance of the bryngyng up and ffedyng of theyr pore and yonge childern and othur theyr ffamylie."

Also the said priest, "not regardyng his rowme and duytye as a goostely ffather," hath at divers seasons "manasshed and thretened" divers of the said poor people in the Church and Churchyard and elsewhere, and has reviled them, calling them knaves and other "ungoodely names," whereupon he has "goon Streyte way" to say mass and other divine service. It has been thought that he "soo hath doon mych to th' entent to make some of the sayd parishoners to medle theryn, And to breke the Kynge's peace yf yt myght have be don."

Also the said Thomas is a great intermeddler in temporal matters at Lancaster at the Assizes and in other courts and places otherwise than a priest ought to do, and contrary to his order, and is also a buyer and seller of beasts, horses, and other cattle, contrary to the Act and constitutions. He being curate also takes upon himself the charge of all the temporal goods belonging to the parson of Halsall, and sells the corn and grain of the tithe barns at home and will not let them be brought to the King's market, which causes the poor people to have great "darth" in the said market, contrary to the statute.

Prays for writ of Privy Seal to be directed against the said Sir Thomas, commanding him to appear to answer the premises.

"Term̃o Hillarii A^o rr H. viij. xxij^o."

H^oupon privy seale ayenst Sir Thomas Kyrkby, Clerc, to apper Mense Pasche prox."

H. 3. a.

The answer of Thomas Kyrkby.

Defendant denies everything alledged against him in the said bill, and says that if there be any such indictment against him (of which he is not aware) it is not "trewe or growndyd."

RICHARD CROMBELHOLME AND THOMAS WALMESLEY, ADMINIS-
TRATORS OF ROBERT CROMBELHOLME, LATE PARSON OF
RIBCHESTER, *versus* THE ABBOT OF WHALLEY,
re BOND FOR DEBT.

*To the Right Worshepfull Ser William fytz William, Knyght,
Chaunceler of the Duchie of Lancaster.*

"IN moste humbley wise" shew to your Mastership your orators
Richarde Crombelhome and Thomas Walmesley, adminis-
trators of the goods and chattels of Robert Crombelholme, Clerk,
parson of the Parish Church of Rybchester [Ribchester], in the
county of Lancaster, deceased, that whereas the said Robert was
possessed of a writing obligatory wherein John, Abbot of Our
Blessed Lady of Whalley, "upon grete and specyall Consyder-
acons," stood bound to the said Robert in the sum of £500,
to be paid at certain days now past. The said Robert Crom-
belholme died intestate, after whose death the administration of
all his goods was committed to your orators by the Archdeacon
of Richmond, by reason whereof they were lawfully possessed
of the said writing.

Vol. v.
[Calendar 7.]
C. 3.
22 Hen. VIII.
[1530-31.]

Afterwards the said Abbot, intending to deceive plaintiffs
about the payment of the said money, sent for them in Passion
week, 19 Henry VIII. [1528], and asked them to bring with them
the said bond. This they accordingly did on Good-Friday, trust-
ing to have had a "good ende" concerning the said obligation.
"Incontynent" after they were come thither the said Abbot
required the "seyght" of the said writing, promising to return it
to them immediately after perusing it without any "Impeyryng or
denyer" thereof, and your orators "dowtyng nor mistrustyng noo
dyscette to be done to them, concydering that he was and is a
Relygyous person and also of grete dygnyte and behavoryng,"
suffered him to take the same into his hands, whereupon he at
once left them and took the said obligation into his chamber in
the said Monastery. The said Richard Crombelholme then said

to him: "My lord abbott will ye take ower obligacon from us after this Maner," and he said "yor obligacon shalbe sure ynogh for you mystruste ye nothyng therin."

Furthermore your orators complain that where William Claton, clerk, by his indenture made between himself of the one part, and Robert Crombelholme, clerk, of the other part, "whose" date is the 1st of May, 18 Henry VIII. [1526], agrees that before the feast of St. Michael the Archangel then next following, he would make a lease to Richard Crombelholme of all the tithes and grains of the town of Dutton, in the parish of Rybchester [Ribchester], he yielding therefore yearly to the said William Claton 5 marks at the said feast; and also that the said William should make another lease to Thomas Walmesley of all the tithe corn between Chesterbroke and Notbroke, in Rybchester [Ribchester], he yielding yearly for the same 25s. at the said feast: for the performance of which said leases the said Abbot, by his said obligation, stands bound to execute the same, but they are still unperformed.

Plaintiffs cannot commence any suit against the said Abbot, as they have not the said writing in their hands, but they have caused one Roger Shyrborne, Esq., on their behalf to require the said Abbot to deliver to them the said obligation or else to seal the said leases, but he still refuses to do either, whereby a great part of the debts of the said Robert Crombelholme remain unpaid, and are likely to remain so unless a remedy be provided. And forasmuch as plaintiffs are very poor men, and the said Abbot is a man of very great power, lands, and substance, they pray for the King's Letters of Privy Seal to be directed against the said Abbot.

Termino Michis A° rr H. viij. xxij°.

C. 3. a.

Writ dated 4th July, 22 Henry VIII. [1530], directed to Sir Alexander Radclyff, Knight, and Sir Alexander Osbaldeston, Knight, commanding them, as complaint has been made by Richard Crombilholme and Thomas Walmesley against the Abbot of Whalley, to call the said Abbot before them and to take his

answer, and also to examine him upon certain interrogatories hereunto annexed.

The answer of John, Abbot of Whalley, to the bill of complaint of Richard Crombolholme and Thomas Walmesley. C. 3. b.

Defendant says that the said Robert Crombolholme, late parson of Ryblechester [Ribchester], at the special desire of the said William Clayton, and upon a certain pension agreed upon between them, resigned the said parsonage of Ryblechester [Ribchester] into the hands of the ordinary of the same place: and for the true payment of the said pension the said Abbot, at the request of the said William Clayton, was bound in an obligation of £500 to the said Robert Crombolholme. The said pension was truly paid to the said Robert during his life by the said William, and yet, this notwithstanding, the said Robert and the said plaintiffs have kept the said obligation from the said Abbot.

Defendant denies that he sent for plaintiffs and took from them the said bond.

Further, the said Abbot declares that "well and trew yt ys" that he was bound in the sum of £40 to the said Robert Crombolholme, that the said William Clayton should perform certain agreements made between the said Robert and William.

After the death of the said Robert the said William Clayton and plaintiffs met at the said Monastery of Whalley, and several indentures of lease of certain tithes within the said parish of Ryblechester [Ribchester] were then made, but before the sealing thereof the said William made the said plaintiffs his proctors for the whole of the said parish, whereupon they were well content and agreed that the said indentures should be no further executed or sealed, in proof whereof the said plaintiffs in "presence and oppyn audience of diverse and sounde personnez oppenly puplyshed and sayde that they had lever have the sayde parson Clayton's promysse by worde of mowthe then hys wrytyng." The said Abbot then desired redelivery of his said obligation of £40,

which plaintiffs of their "owne good myndes and free wyll" gave up to him, whereupon he put the same "furthe of the way" as was lawful for him to do.

Within a certain time after the said agreement made at Whalley, the said William Clayton and plaintiffs, for divers causes to the said defendant unknown, "felle in variaunce," and then Roger Shyrborne came to the said Abbot and desired to have redelivery of the said obligation of £40 to the use of plaintiffs, which he refused.

C. 3. c. The answer of John, Abbot of Whalley, to the Interrogatories of the "Partye" of Richard Crombolholme and other.

1. Whether plaintiffs were at Whalley in Passion Week, or not, he cannot remember.

Defendant was bound to Robert Crombolholme in the sum of £40 and no more, that William Clayton, now parson of Ryblechester [Ribchester], should perform divers covenants made between the said William and Robert.

2. The said plaintiffs never shewed any obligation to him in consideration of any promise made to them to be performed on his behalf.

3. Plaintiffs, of their free will, delivered to him the said obligation of £40, which he then carried away to his chamber.

4, 5. If any such words were used to the said Abbot as is alledged, they were spoken "by way of pastyme and mery coication" [conversation,] and not in order to have the said bond redelivered.

6, 7, 8. A long time afterwards variance and debate commenced between the said Clayton and plaintiffs [as above], &c.

9, 10. Defendant does not know of any indentures made and delivered by the said plaintiffs to him.

11. The said Abbot says he is of the age of 60 years and more but not of the age of 70 years.

12. In June last past defendant was so "crased and dyseased that he cowth nott labor to London after the coïen Jornayng of laboryng men, withowte greate payne, dysease of hys Bodye and Jeopardye of hys lyf."

To the Right Hon^{ble} Sir Wm. Fytzwilliam, Kt., Chancellor of the Duchie of Lanc.

C. 3. d.

"The Certificat of Sir Alex^r Radclyff and Sir Alex^r Osbaldston, Knyghtes.

"The sayde Sir Alexander and Sir Alexander certifyth unto yor honorable Maistershippes that according to the Kynge's heaghest cōmaundement to vs directed at Whalley, in the Countie of Lancastre, the vj^{te} day of Septembre, in the xxijth yere of the Reigne of owre sovereyn Lorde Kynge Henry the viij^{te} [1530], wee have called the said Abbot of Whalley before us, and then and ther not onely takyn his vnsvar opon his boke othe, bvt also examyned hym of suche interrogatoryes as were directed vnto vs whiche vnsvar and also examinacon we send vnto yor honorable maistershippez hereunto annexed."

Alex. Radclyff, K.

Alex. Osbaldeston, K.

The replication of Richard Crombolholme and Thomas Walmesley to the answer of John, Abbot of Our Blessed Lady of Whalley.

C. 3. e.

Plaintiffs say that everything contained in their said bill is true.

They also declare that the said obligation of £500 was not made only for the sure payment of the said pension, but also for the performance of divers agreements on the part of the said William Clayton, to be kept, as by a deed indented dated 1st May, 18 Henry VIII. [1526], more fully appears.

Plaintiffs contradict the statements made by defendant.

LETHOM [LYTHAM] MONASTERY, EDMUND, PRIOR OF LETHOM
[LYTHAM] A CELL TO THE MONASTERY OF ST. CUTHBERT OF
DUNELM [DURHAM], *versus* THOMAS BOTELER, DAME
MARGARET BUTLER, HIS MOTHER, AND OTHERS, *re*
TITLE TO LANDS AND WASTE GROUND IN
MUCH LATON AND LETHOM [LYTHAM].

To the Ryght Hon. Sir William Fytzwilliam, Knight.

Vol. xxii.
[Calendar 16.]

L. 1.
22 Hen. VIII.
[1531.]

EDMOND¹ Lethom [Lytham], in the county of
Lancaster, which said priory is a cell to the Monastery of St.
Cuthbert, of Durham, complains that where he in right of his said
priory is seised of 1 messuage or tenement. . . . Byllynton
late held and dwelled in of the lease of the said prior, and he
being so thereof seised, Christopher . . . John Bispham, of
Bispham, yeoman, John Lyghtwerk, John Dagger, William Curret,
Robert Bamburgh, William Bamburghe, William Norres, and John
Lethom, of Great Laton, yeomen, with 100 other riotous persons,
tenants and servants of Thomas Boteler, Esq., and Dame Mar-
garet Boteler, . . . the 12th day of Sept., . . . Henry
VIII. at the procurement of the said Thomas and Dame Margaret,
his mother, assembled at Lethom [Lytham], and with force of
arms broke into the said messuage, Laurence By . . . being
then in the same, took away Margaret, wife of the said Laurence,
cast out goods to the value of £10 and more, and then pulled
down to the ground all the houses and edifices of the said
messuage cut the timber thereof into pieces, to the
utter undoing of the said Laurence, his wife and children, for
evermore. Moreover . . . Christopher Grymeshawe, of
Bispham, yeoman, and the other riotous persons at the command
of the said Thomas Boteler, on the 4th day of July, and at other
times . . . waste ground or common of pasture belonging
to plaintiff in right of his said priory . . . and did mow and
cut down 100 loads of "Ryshes" then growing there, and carried
them away, to the great loss as well of plaintiff as of . . . who

¹ The right hand side of this document is torn away.

have been accustomed time out of mind to take the said Ryshes for "thacke" of their houses and barns. The said riotous persons also pulled down the rails, and cast down the ditches about plaintiff's several pastures and grounds in Lethom [Lytham], by the space of 160 roods and more and laid them wide open so that cattle could come in; and also destroyed and wasted the grass and corn then growing on plaintiff's several demesne grounds in Lethom [Lytham] to his unportable hurt and damage of £20 and more, whereby he is so impoverished that he is unable to keep any hospitality in his said priory as has been done in times past, neither dare he sow any corn on his said grounds, nor abide in his said priory to do divine service there, nor see any of his brethren there living according to his duty, for fear of his life, as he is daily threatened and put in fear of his life by the said wrongdoers who say that they will pull down his house over his head.

Prays that a writ of subpœna may be directed against the said Thomas Boteler, Dame Margaret, and others.

Mich. term, 22 Henry VIII. [1530].

Hereupon a prive seal to Thomas Butler, Esq., to appear xv Hil. next.

The replication of the Prior of Lethom [Lytham].

L. i. .a

Says in everything as in his said bill, without that that the said messuage was built by any of the predecessors of the said Prior upon any part of the soil or waste ground of the manor of Laton, whereof the said Dame Margaret is, or at the time of the said riot was, owner in use or possession for term of her life or otherwise, or that the tenants of the manor have time out of mind had common of pasture for their beasts at all seasons of the year in the said ground, or that it is commonly reported in those parts that forasmuch as the said house was built upon the said common to the hindrance of the tenants there, they pulled it down without any offence of the law.

Commission dated 14th May, 23 Henry VIII. [1531] directed to Sir Richard Houghton, Knight, Sir Alexander Osbalston, Knight, Sir William Leylond, Knight, and Henry Faryngton, Esq., Sheriff of the County Palatine of Lancaster.

L. i. .b.

L. i. c. d. Interrogatories whereupon Thomas Butler, Esq., shall be examined.

L. i. e. 1. Thomas Butler examined 22nd June, 24 Henry VIII. [1532], deposes that he heard in the country there that the tenants had cast down a new ditch and rails upon the hawes lately made by the said prior since the decree made, "which was neuer no such y^r bifor."

2. They took certain cattle of the said prior and put them in the King's fold, in what manner he knows not.

3. They cast down a cross which was set for the death of one Wheler, and not for a boundary, but deponent has not heard of any messuage being pulled down.

The rest of the said articles he utterly denies.

1. John Bamburgh denies that a large number of the tenants of the said Thomas Butler and Dame Margaret his mother, in Much Marton and Laton, about midnight on the 4th of May last, assembled upon a certain ground of the said prior in Laton called the Hawse, and there cast down about 400 "rodde" of the ditches of the said prior.

2. Says that on the 7th of May a great number of the tenants and inhabitants assembled upon the said ground and drove away a number of the beasts of the said prior and of his tenants.

3. Says that 200 persons of Marton and Laton, on the 9th May, assembled upon the Hawse and with great violence pulled down an old cross of timber which had stood there for a long time as an ancient bound; they also pulled down rails and cast down ditches. They had heard of a decree that they should not meddle with any bounds which the Prior had set up there.

4. They drove away about 1000 cattle, 22 whereof belonging to the said prior they put into the King's fold and the residue into the common.

5. Denies that any of them said they would not "let for lord nor King."

6. They almost set a tenant in the stocks for rebuking them.

7. On the 9th May they pulled down and broke in pieces the cross and picture of St. Cuthbert.

8. Denies that they threatened to pull down the Monastery and went there for the purpose, and that 2 monks brought the sacrament to them to keep God's peace and the King's, and that they said they would proceed no further for the honor of the sacrament.

9. They obeyed the sheriff in executing against them for the peace, and did not say they would not keep the peace unless they had their common.

Herry Warbrake, Laurence Bouly, John Walbrake, as above.

Thomas Davy says that Herry Warbrake "grave" first spoke to him and asked him to go to the said common. Says there were not 100 there.

John Lethum says they would have gone to the gates if the sacrament had not met them.

Roger Silgrave says they were all agreed to own to what they had done.

Thomas Bamburgh says there were 2 appointed in every lordship to give warning, and in Laton Herry Warbreke and Roger Seggraves were named to give warning to their neighbours.

Richard Bamburgh as above.

Thomas Bamburgh, of Marton, tenant to my lady, says that Richard Hull is "grave" there, and that Benson, of Laton, tenant to Lady Butler, gave the first warning.

Richard Hull, "grave" of Marton, says that each greve had agreed to give warning to the others when they should go. He warned his neighbours of Marton.

William Whynwra says that John Lyghtwarke is greve of, and pulled down the ditches each time. At the second time of their coming the said Lyghtwarke gave them warning.

John Russewe as above.

John Herdman says that Richard Holle, of Marton, first told witness that they were going to pull down the prior's ditches.

James Saunderson; John Hull, John Dagger, John Lyghtwarke, as above. William Davy says that John Byspam, grave of Bispham, first asked him to go to the said ground. John Anyan, Robert Wade, as above. John Bisham says he warned no man to be there, and no man him. Herry Ledom, of Bispham, as above. William Croker as above.

L. I. i.

John Bartylmes, master prior of Lethum [Lytham], Chaplain, desires me to write to you what I saw and heard in the field when Master Westbe and I were there. On the 4th of May, in the town of Allhallow,¹ there were gathered together about 60 persons, part of whom had bows, bills, and other weapons. Afterwards, there were 80 persons there. Then Master Westbe and I went to them, and asked them what they meant, and whether they would keep the King's peace. They said they would, but that they would pull down the prior's ditch. There was a servant of the said prior there, and when we came up divers women were setting on him with staves with which they hit him; after a struggle he was got away.

Charles Townley.

DECREES AND ORDERS, HENRY VIII. Bk. 6. Fo. 6. d.

Between
the Prior of
Lethom and
Butler.

For the matter in variance between the prior of Lethom [Lytham] party plaintiff on the one part, dame Margaret Butler, widow, and Thomas Butler, Esq., her son, and John Bamburgh, and other tenants of the said Dame Margaret and Thomas Butler, party defendants on the other part, of, and for the use, title, and possession of a common and waste ground in the Hawes, Kylgre-mosse [Kellamergh], and other places in the county of Lancaster. It is ordered that the same Dame Margaret, Thomas Butler, nor any of their tenants from henceforth in any wise to meddle in the Hawes, but only to use their common in Kylgre-mosse [Kellamergh] as they have used to do in tymes past, until such time as further order and direction be taken by the Chancellor and Council of the Duchy of Lancaster in that behalf; and also that

¹ The original Dedication of the Church of Bispham was for a long time unknown.—[See *History of Bispham*, CHETHAM SOCIETY, X. N.S.]

the said tenants shall immediately deliver to the said prior all such cattle as they or any of them distrained of the said prior or his tenants. And also it is ordered and decreed that the said Lady Butler, Thomas Butler, nor any of their tenants, in any wise, shall disturb or let the said prior to set up a cross in the Hawes in the place where a cross was lately pulled down by their said tenants.

THE KING *versus* THE PRIORY AND NUNS OF SETON,
re ENDOWMENT OF ST. LEONARD'S HOSPITAL,
 LANCASTER.

Commission dated 20th November, 22 Henry VIII. [1530], directed to Sir Alexander Radclyff, Knight, Sir Alexander Osbaldeston, Knight, Sir Thomas Southeworthe, Knight, Thomas Langton, Andrew Barton, and Thurstan Tyldesley, Esq^{rs}.

WHEREAS We are credibly informed that there was a hospital sometime founded by Our progenitors Dukes of Lancaster, in Our town of Lancaster, endowed with great temporal possessions, as well for the maintenance of divine service in the said hospital as for the relief of poor people, and a "lazare Howse" annexed to the same: and that the Prioress and Nuns of Seton have for a long time had the possession of the said hospital, and converted the profits thereof to ill and profane use, contrary to the foundation thereof, whereby not only the said divine service but also the alms whereby the poor people and lazermen were relieved, is utterly destroyed and decayed and the said lazer house put to other uses, and the lands appertaining to the said hospital, by the folly and negligence of the said Prioress and Nuns, wasted and despoiled, to the great displeasure of Almighty God, and to Our disherison if remedy be not provided: We, willing that reformation be had in the premisses, desire you to call the said Prioress, and to make due examination and inquisition by all the means in your power.

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 [Calendar 18.]
 R. 7.
 22 Hen. VIII.
 [1530-31.]

R. 7. a.

The Certificate of John Curwen, Mayor of the town of Lancaster, of the sayings of the burgesses and inhabitants of Lancaster, to certain articles concerning the Hospital of St. Leonard, in Lancaster, upon examination thereof made by the said Mayor at a court held at Lancaster, 27th April, 23 Henry VIII. [1531], according to the desire of the abovesaid Commissioners.

The answers of the said Burgesses.

Of their own knowledge they know very little of the said articles, but only by the report and sayings of old men sometime burgesses of Lancaster, now dead, who have shewn to divers persons yet living that there was belonging to the said hospital one house ordained for lazars and sick folks, called a "Spitell Howse," and 1 other house ordained for the old of the town of Lancaster, who had fallen into decay and poverty and could not work, and especially for burgesses of the said town; which said lazars and poor people daily had alms and relief of the Master of the said Hospital, but how much deponents know not. They have heard that the said Hospital came into the possession of the said Prioress and Nuns by a grant from the Duke of Lancaster, by the labour of Sir Robert Laurence, Knight, servant of the said Duke, who had a kinswoman then Prioress of Seton, and that nobody was made master or custos of the said Hospital before that time, except by the assent and consent of the burgesses of Lancaster, which they think will appear in the grant made to the said nuns.

There was only one priest resident in the said Hospital who had the temporal possessions thereof to the yearly value of £6 13s. 4d., or thereabouts, besides the offerings and alms given by strangers for the relief of the said lazars and poor folks.

Of their own knowledge deponents say that neither the Prioress of Seton that now is, nor any of her predecessors for the last 60 years have given any alms or done any charitable deeds at the said Hospital, neither have they done any repairs to the Church of St. Leonard belonging thereto, but have wilfully suffered the said lazar house, with all the houses thereto belonging, to fall down, and have allowed other *men* [*sic*] to take the

profits of the gardens thereto belonging for 50 years and more because they would not bear the charges thereof.

They know not how the said Prioress and Nuns order the possessions and state of their house at Seton, but divers burgesses of Lancaster, who know the said house say, that there used to be a Prioress and 3 nuns daily serving there, but now there is only 1 nun. The said Prioress and nun often ride to markets and . . . and other places for their "disportes," little regarding their religion.

. . . Walwen, glover and burgess, of Lancaster, apprentice to Chistopher Lemyng, deceased, showed openly at the court that he was at the taking down of the said "Spitall Howse" at his master's command, and in a wall of . . . a great stone called a "Haly water Ston" was found and "hade away," which was then called the Haliwater Ston . . .

The Certificate of the said Commissioners.

R. 7. b.

We sent "writing" to the Prioress of Seton, assigning her to come to Lancaster, the 26th April last past, to answer the premisses, but neither she nor any other for her appeared.

Then we sent for the Mayor, burgesses, and bailiffs of the said town of Lancaster. The said Mayor then being "Seke in great debilite" came to us with the bailiffs and with a very few of the burgesses and asked for a copy of the said commission, and for respite for one day that he might call his "Breder" and the said burgesses to a court before him, because many of them were then out of the said town. The said Mayor according to his promise caused the said burgesses and inhabitants to be examined, and sent the same in writing to us under the seal of his office, which said writing is hereto annexed. Both he and they desired us to move Master Chancellor and his Counsel of the Duchy to be good to the King's poor town of Lancaster and to restore the said Hospital to its old state for the succour and relief of the poor; for the which Hospital the said Prioress nor her predecessors have ever done alms or charitable deeds in Lancaster since it came into their hands.

After we had done our business at Lancaster, on the said 26th April, and were ready to ride away, we were told that a nun of the said Prioress had come into Lancaster, so we sent for her and asked her whether she had come to speak to us, but she said she came for no such cause, but for other business. She also said that the said Prioress did not intend to come to speak with us, so we sent word that if she desired to see us she must come to Preston in Amounderness within 4 days, as we must then ride towards London. The said nun then asked for a copy of the said commission which was given her, but we heard no more of her or the said Prioress.

24th May, 23 Henry VIII. [1531].

R. 7. c.

To the Mayor and Commonalty of the town of Lancaster, greeting, we have inspected the charter of Henry, Duke of Lancaster, which he made to the Prioress and Convent of Seton in these words. Henry, Duke of Lancaster, &c., &c., Know ye, that we having heard by the testimony of faithful people that the house of the said Prioress is so decayed that it cannot suffice for her support, have given to her the Hospital of St. Leonard of Lancaster, with all things thereto belonging; to hold to her and her successors in frankelmoign for ever. We have also granted to the said Prioress and Convent that that chantry which used to be in the said Hospital for one chaplain to celebrate divine service every day, may by them be found in their said house of Seton without impediment of us or our heirs, provided always that our burgesses of Lancaster agree to this, and that the said Prioress gives alms and other things wherewith the said Hospital of right and from ancient times has been charged.

Witness at Preston, 1st April, in the 6th year of our Duchy.

And We confirm the same in every respect.

Witness at Lancaster, 7th May, 30 Edward III. [1356].

Copy of a licence of Edward III. late King of England.

Edward, King of England, &c., Know ye, that We of Our special grace have given to Our beloved kinsman, Henry, Duke of Lancaster, licence to grant to the Prioress and Nuns of Seton, in

the county of Cumberland, the Hospital of St. Leonard in Lancaster, now vacant and in the hands of the said Duke as patron thereof, and which is held of Us in chief, to hold to them and their successors for ever, with all the lands and possessions thereto belonging as annexed to the said Priory of Seton for ever, on condition that they find and sustain the said chantry and all other charges incumbent upon the said Hospital according to the ordination of the said Duke.

Witness Ourselves at Westminster, 1st Nov., 28 Edward III.
[1354.]

ALICE PARKINSON *versus* HENRY BAGSHAW, LAURENCE FERNELLY, AND THOMAS LANGTON, BARON OF WALTON,
re TITLE TO MESSUAGE AND LANDS IN
WALTON-IN-THE-DAILE.

To the Right Honourable Sir William Fitzwilliam, Knight.

A LICE Parkynson, widow, complains that where she was seised of a messuage, 6 acres of land, and 2 acres of moss, in Walton, in the county of Lancaster, and "thereof was lately put owt" by Henry Bagshawe and Laurence Ferneley by the command of Thomas Langton, Esq., who took from her certain of her goods and chattels, for which cause Letters of Privy Seal were directed to the said Thomas Langton, commanding him to deliver to plaintiff her said goods and also to suffer her peaceably to enjoy the said premises without interruption of any. This he accordingly did, and plaintiff occupied the said messuage and land until the 10th February last, 23 Henry VIII. [1532], when the said Henry Bagshawe at the command of the said Langton, he being in London, entered into the said premises and will not allow plaintiff to occupy the same.

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[Calendar 21.]
P. 1.
23 Hen. VIII.
[1531-32.]

Prays that a Privy Seal may be directed to the said Henry Bagshawe.

Hilary Term, 23 Henry VIII. [1532].

Hereupon a Privy Seal against Henry Bagshawe to appear in the quindene of Easter next.

P. I. a. Draft of above, wherein the said Alice is described as "late wife of John Parkynson, deceased," who held the said 2 acres of moss as tenant-right.

P. I. b. The answer of Henry Ba/shawe.

Defendant says that Edward Stanley, Knight, late Lord Mountegle, was seised of a cottage or house and 20 acres of land lying in Walton-in-the-Dale, in the county of Lancaster; and so seised, on the 1st May, 3 Henry VIII. [1511], demised the said premises to defendant for the term of his life, who by force thereof was thereof seised in his demesne as of freehold. Then James Ander-ton, constable, of Horneby, asked defendant to allow plaintiff to build a dwelling house in a corner of a close called the Leyfeld, containing 2 acres, being parcel of the said 20 acres, and to dwell therein; also to suffer the said Alice to occupy a close called Stonefeld, containing 3 acres, also parcel of the said 20 acres, during the life of Jeffery Duxbery, father of the said Alice. This request defendant granted on condition that plaintiff should not meddle with the residue of the said close called Leyfeld. The said plaintiff then built the said house and lived therein, and defendant was seised of the said residue of the close called Leyfeld until plaintiff, about the Nativity of St. John the Baptist last past, wrongfully disseised him thereof, but into which he re-entered.

P. I. c. The replication of Alice Parkynson.

Plaintiff says that the said Lord Mountegle being seised of the said premises granted the same to John Parkynson, her late husband, and to his heirs for ever as tenant-right, according to the custom of the country there. After his death the same ought to descend to plaintiff, after the custom of tenant-right, if she live sole.

Plaintiff did not build the said house by permission of the said Henry Bekensawe, but she built it in the said close as upon her own land.

P. I. d. Commission dated 30th June, 22 Henry VIII. [1530], directed to Sir Alex. Osbalderston, Knight, Henry Faryngton, Esq., and Sir Thomas Bulkeley, Clerk, parson, of Brynhyll [Brindle].

Commission dated 12th May, 23 Henry VIII. [1531] directed to Thomas Langton, Esq. P. 1. c.

On the part of Alice Parkynson, widow, at Lawchurch, 22nd September, 22 Henry VIII. [1530]. P. 1. g.

Geffra Duyksbury, of Walton-in-the-Dale, tenant to Laurence Banaster, aged 72, father of the said Alice, says that he took of the Lord Mountegle late deceased a certain tenement in Walton-in-the Dale, and paid for his "gressun" 13s. 4d. When his said daughter married John Parkinson, witnessed granted his goodwill and take in the said tenement to them. Afterwards the said Parkinson took the said tenement of James Anderton, servant to the said Lord Mountegle, for a fine of 9s. and paid the same to Geffra Holden, then bailiff to the said Lord. He (Parkinson) then built a house upon the said tenement and had timber from the bailiff aforesaid for the same. The said bailiff says on his oath that he received the said 9s. and delivered to the said Parkinson 30 trees and more.

The said Alice showed the Commissioners a letter written by Laurence Starky specifying that Geffray Dukysbury surrendered his title and tenant-right of the said tenement to the said Parkinson and desiring the said Laurence to admit him to the same, which said letter was written by the said Laurence in August, 22 Henry VIII. [1530].

John Sidgreves, of Lancaster, aged 46, says he was present in Lancaster when the said Geffra Dukysbury surrendered his title and right of and to the said tenement to John Parkinson and his wife before the said Laurence Starky. After the death of the said Parkinson, his widow paid to the said Laurence 6s. 8d. for the entry of the same into the records of the said Lord Mountegle.

Roger Sylcok, of Hoghton, aged 60 years and more, says that Thomas Langton, Esq., since the death of the said Lord Mountegle, his father-in-law, took of the said Alice after the decease of her husband 13s. 4d. for the gressun of a close of the said tenement: afterwards he took away the said close and gave her other ground of his own in Walton instead, and lately he has taken his own ground away from her.

The said Alice deposes that the servants of the said Langton took from her a cow and 2 pots which they still hold.

The said John Sidgreves says that Henry Balshagh was lately sworn before the counsel of my Lord Mountegle that now is, that one John Barton should deliver to the said Alice the 4th part of the corn growing upon the ground now in variance, but this he has never done because the said Balshagh would not allow it.

P. 1. h.

On behalf of Thomas Langton, at Law Church, 22nd Sept., 22 Henry VIII. [1530.]

Never heard that the said Alice had take or grant of the said tenement: he will not hurt her thereof as the said tenement does not belong to him.

The said Thomas owns to having received 13s. 4d. of the said Alice, since which time she has been presented at the sheriff's turn and in his courts for a "pety thefe" and a "resetter" of vagabonds and other evil disposed persons, by reason whereof defendant could not allow her to occupy his said ground.

Defendant confesses taking a cow and 2 pots from plaintiff for rent owing to him, and for divers amerciaments assessed upon her at divers courts: the said cow was priced and she received the rest of the money after his dues were paid.

George Walmesley and John Wodecok, of Walton, each aged 50 years and more, say that Henry Banaster, of Walton, reported to them that he had taken from the said Alice a quantity of barley in a "poke parte wyndoyt and parte not wyndoyt" between his house and barn. The said Banaster called to deponents and they saw that the said barley "wos like to ye quantite of halfe a met," but where she got it from they know not.

P. 1. i.

Easter Term, 23 and 24 Henry VIII. [1532.]

The said Commissioners to certify the truth of the matter in the quindene of St. Michael next coming.

P. 1. j.

Trinity Term, 25 Henry VIII. [1533.]

As no Certificate has yet been made concerning the matter in variance, the said Commissioners are ordered to make an end

thereof: if they cannot do so, then they shall enjoin all those who will not abide by their order to appear at Westminster in the quindene of St. Michael next coming.

We, the Commissioners, having weighed all the evidence, &c., agreed that the said Henry Balschaw should have $\frac{1}{2}$ an acre of the land where the house of the said Alice now stands in such place as we should think most necessary, and to give the said Alice 13s. 4d. for her costs. With this arrangement the said Alice was quite content, but the said Henry refused to agree to it, so we remit the whole matter to your honourable wisdoms [addressed to Sir William Fitzwilliam].

P. 1. k.

Thomas Sotheworth, K.

Thomas Bulkeley, Clerk.

DECREES AND ORDERS. HENRY VIII. BK. 5. F. 505.

For the matter in variance between Alice Parkynson, widow, plaintiff on the one part, and Henry Balshawe of the other part. The order and examination thereof is put to Sir Thomas Southworth, Knight, Henry Faryngton, Esq., Sir Thomas Bulkeley, Clerk, and William Wallys, Gentleman, they 4 or 3 of them at the least, whereof the said Sir Thomas and Henry Faryngton be 2, to examine and to set end between the said parties. And if they can take no end or order between them, And if they cannot so do then in the xvth of St. Michael the Archangel next coming by the writing under their seals to certify the Chancellor of the Duchy of Lancaster of the truth of the said matter and cause of the said variance to the intent, &c. And hereupon all the bills and certificate thereof is delivered to the said Henry Faryngton.

Inter
Alice Parkyn-
son plt. and
Blashawe deft.

WILLIAM STAVELEY *versus* JOHN ELLERSHAWE AND GEFFREY
ELLERSHAWE, *re* DISPUTED TITLE TO A MESSUAGE AND
LAND AT TATAM [TATHAM].

*To the Right Honorable Sir William Fitzwilliam, Knyght,
Chauncelor of the Duchie of Lancastre.*

Vol. viii.
[Calendar 6.]
S. 8.
23 Hen. VIII.
[1531-32.]

WILLIAM Staueley, of Thormonby, in the county of York, complains that whereas he was seised by just title of inheritance of a messuage, 3 oxgangs of land, 20 acres of meadow, and 100 acres of pasture lying in the town of Tatam [Tatham], in the county of Lancaster, in his demesne as of fee, and so being seised on the 16th day of September, 15 Henry VIII. [1523] demised the said premises to John Ellershaw and Jeffery Ellershaw, to hold for 1 year then next following, and so from year to year so long as plaintiff will thereunto agree, they paying yearly for the same 12s., by force whereof the said John and Jeffery occupied the said premises and paid the said rent until now of late at the feast of Pentecost last when plaintiff came to the said messuage and demanded of them 6s. parcel of the said 12s. due at the said feast, but this they refused to pay, whereupon plaintiff discharged them from the said premises and entered into the same himself. Afterwards the said John and Jeffery, with force and arms, re-entered the said messuage and lands and cut down 20 oaks growing there to the value of £20, and will in no wise suffer your orator to occupy the premises.

Prays for writ of Privy Seal to be directed to the said John and Jeffery commanding them to appear before your Mastership at Westminster.

“T. S̄c̄e Trinitates A° 11 H. viij. xxij° [1532].

H^oupon a prive seale to John Ellershaw and Geffrey Ellershaw to apper Crastio diaz prox.”

S. 8. a.

The answer of John Eldershaw to the byll of compleynte of William Stauley.

Defendant says that as to all riots and cutting down of trees, &c., he is not guilty, but for answer he declares that one Christopher Caunfeyld, chaplain, and John Crofte were seised of the said premises in their demense as of fee, and so being seised gave the same to one Christopher Ellershaw for his life, with remainder to Edward Ellershaw, then son and heir apparent of the said Christopher, and to the heirs male of his body; and for default of such issue the remainder thereof to Roger Ellershaw, second son of the said Christopher, and to the heirs male of his body; by force whereof the said Christopher was thereof seised in his demesne as of freehold. Afterwards the said Christopher died and the said Edward died without heir male of his body begotten, by force whereof the premises descended to the said John Ellershaw as cousin and next heir male to the said Roger, to wit, son and heir of Christopher Ellershaw, son and heir of the body of the said Roger, by force whereof the said John entered into the said premises and was thereof seised in his demesne as of fee tail, and has taken the issues and profits thereof as was lawful for him to do. Without that that the said William Stanley was seised of the said premises in his demesne as of fee, &c., &c.

The replication of William Staveley.

S. a. b.

Plaintiff knows nothing about any such lease made to the said Christopher Caunfeld and John Crofte, but if such lease were made then long before that time the said Christopher Ellershaw was seised of the said premises in his demesne as of fee, and so seised gave the said lands and tenements to one John Ellershaw his son and heir apparent and to the heirs male of his body, who was thereof seised in demesne as of fee tail. After the death of the said John, the said premises descended to Elizabeth Staveley, wife of one John Staveley, as daughter and heir of the said John Ellershaw, by vertue whereof the said John and Elizabeth entered into the said premises and took the profits thereof during the life of the said Elizabeth. After her death the said lands descended to plaintiff as son and heir of the said Elizabeth, by vertue whereof he entered into the same and has received the rents thereof by the hands of defendant as farmer thereof for 18 years without interruption.

S. 8. c. The rejoinder of John Ellershawe.

Denies that the said Christopher Ellershawe was seised of the said premises, &c., &c.

S. 8. d. Henry the VIII. to Our trusty Robert Houghton, John Brokeholes, Esqrs., Roger Beke, Serjeant-at-arms, and John Lambart, Vice-Chancellor at Lancaster.

Whereas one William Staveley, in Trinity term, in the 23rd year of Our reign [1533], made complaint to Us against John and Geffrey Ellershawe, who, in their turn, made answer that the said complaint was unjust: We now desire you to call before you the said parties to enquire of the truth of the premises and to make a "finall ende and direcon" between the said parties.

Given at our Palace of Westminster, 20th November, in the 24th year of Our reign [1532].

S. 8. e. Proofes on the part of William Staveley to the title of the lands in variance between him and John Ellershawe, taken before John Brokeholes, Esq. and John Lambart, vice-chancellor of the County Palatine of Lancaster, the 24th day March, 24 Henry VIII. [1533.]

The said William Staveley shows in proof of his title a deed in tail sealed dated 20th October, 29 Henry VI. [1450], whereby it appears that Christopher Ellershawe, son of John Ellershawe gave all the lands and tenements in the town of Tatehame [Tatham], to the said John, his son, and the heirs of his body for ever with warranty.

Depositions taken before the said commissioners the day and year abovesaid on the part of William Staveley, plaintiff.

I. Geffrey Ellershagh, aged 60 years, tenant to the said William Staveley of parcel of the same land in variance, says that the said John Ellershagh, defendant, took the same tenement in which he now dwells in Tatehame [Tatham] which is the land which he claims to be his own of the said William Staveley in a place called Thormondby, in Yorkshyre, about 12 years ago. The said John, in the lifetime of the said Christopher, his father, went from Taitham

[Tatham] to Thormondby for the intent only to take the said tenement of Staveley to have it after the death of the said Christopher. Deponent was with him when he so took it.

2. The said John Ellershagh, ever since the death of the said Christopher, his father, has quietly paid his farm which was 6s. a year for his part to the said Staveley until about 3 years ago when he stopped the payment. The said John gathered the residue of Staveleys farms in Tateham [Tatham] and paid altogether. All the said lands move by one title.

3. As in the second.

4. Deponent cannot say whether William Staveley discharged the said John Ellershagh or not.

5. Deponent says that John Ellershagh, his uncle, was owner of the land in variance, and divers other lands, and that he had issue a daughter named Elizabeth who married John Staveley, and that "they two" all their lives took the profits of all the said lands, and no man made claim thereunto to his knowledge.

1. Arthur Middylton, of Tateham [Tatham], aged 52 years, tenant to Lord Mountegle, and also to the said William Staveley, says that as far as he knows defendant took his tenement of the said Staveley, and that he would have taken Geoffrey Ellershagh's farmhold from him and put him to much cost and vexation.

2. The said John Ellershagh paid his farm to William Staveley for 8 or 9 years.

3. The said Ellershagh paid the rent ever since his father's death till within 3 years last past.

4. Deponent knows not whether Staveley discharged Ellershagh or not, but he says that about 2 years ago the said Staveley distrained for his rent and the distresses were prized by Edward Stanley, steward of Horneby, and the money sent to Staveley for his "fermes behind."

5. The land descended to Elizabeth, daughter of John Ellershagh, mother of plaintiff, who, with John her husband, all their lives, and the said William Staveley since their death, have taken the profits of all the said premises without disturbance.

1. Rowland Ellershagh, of Mewith, in Bentham parish, aged 40 years, tenant to Marmaduke Tunstall, Esq., has always heard that John Ellershagh took his farmhold of William Staveley and paid to him 6s. 8d. for gressum, and has paid 6s. yearly to the said William for 10 years.

2, 3. (As above.)

4. About 12 months ago, William Staveley discharged the said John Ellershagh and sealed up his house doors, and after that by the intreaty of friends let him occupy still.

5, 6. (As above.)

1, 2, 3. Christofer Thorneton, of Tateham [Tatham], aged 50 years, tenant to the "Prior [of] Horneby," and Robert Councefeld, gentleman, deposes as above.

4. Deponent was present when William Staveley discharged John Ellershagh's wife of the further occupation of his land, and the neighbours then desired that she might sit still in the house till Ellershagh came home.

5. John Ellershagh, father of Elizabeth wife of John Staveley, was slain at "Hodgecotefeld," then levyng Christofer Ellershagh, his father. After the death of the said Christopher, the said John and Elizabeth took all the profits of the premises.

6. Elizabeth, mother of plaintiff, died seised, after whose death William Staveley took the profits.

John Mercer, of Tateham [Tatham], aged about 50 years, tenant to the Lord Mountegle and William Staveley, deposes to everything as above.

William Gunson, of Tateham [Tatham], aged 52 years, tenant to William Staveley, deposes to everything as above.

Gyles Prouctor, of Bentham parish, in the county of York, aged 74 years, tenant to the Earl of Derby, deposes that he heard Christopher Ellershagh, father of the said John, defendant, say that no man had any title to the land in variance, except William Staveley, the plaintiff, and his heirs as long as they lived and had heirs. About 2 years ago the said John sent Alexander Waryng

to the said William to make request to him "for to by the same land of the same Staveley and wold have giffen as moch for it as any man wold do."

John Wyndare, of Tateham [Tatham], aged 84 years, tenant to John Brokeholes, Esq., [of] Whityngton [Whittington], deposes as above, and "thynketh in his conscience by the othe that he hath made that all is bot tryfils that thother partie mellis with."

The proof of the title of John Ellershagh to the lands in variance showed before us John Brokeholes and John Lambart, Commissioners thereunto assigned, at Lancaster, the 24th day of March, 24 Henry VIII. [1533.]

The said John shows to us a copy of a deed newly made in parchment not sealed, dated 24th May, 13 Edward IV. [1473], whereby it appears that Christopher Cauncefeld, chaplain, and John Crofte, of Tateham [Tatham], made a lease to one Christopher Ellershagh for term of his life, of all their messuages, lands, and tenements in Tateham [Tatham] which they had of the gift of Christopher Ellershagh, the remainder thereof to Edward Ellershagh, his son, and heirs male; for default of such issue, the remainder thereof to Roger Ellershagh and the heirs male of his body, with divers remainders over.

The examination of witnesses on the behalf of John Ellershagh for the proof of his title to the lands in variance.

John Crofte, of Tatehame [Tatham], aged 45 years, tenant to the Lord Mountegle, deposes that about 20 years ago he was servant to Christopher Cauncefeld, Clerk, parson of Halton, who sent him to Roger Ellershagh, grandfather of the said John, with certain evidences contained in a box and bade him deliver them to the said Roger, who, however, would not take them. "Estesones" deponent went again, and then the said Roger took them, and gave them to the wife of Richard Botill, to keep, but what has become of the said deeds he knows not.

William Warde, of Halton, chaplain, deposes that he was chaplain to the said Cauncefeld, parson of Halton, who very often

made him read certain deeds which he had in his custody, among which was a deed, sealed, which was the "veray dede wheruppon the copy above entrede was taken oute of and dide agre in every thyng verbatim with the seid copy of the seid dede in taile."

William Sprote, of Tateham [Tatham], aged 55 years, tenant to John Brokeholes, Esq., says that one Richard Botill about 10 or 12 years ago delivered a deed to William Stavely, plaintiff, which deponent believes to be the same deed in tail.

Alexander Waryng, of Bentham parish, in Yorkshire, aged 76 years, tenant to the Earl of Derby, says that he heard Richard Botill say that he delivered to Stavely and Bell deeds that were lately in the keeping of the said Cauncefeld, parson of Halton. Deponent has often heard it said that those were deeds entailed to the heirs males of the Ellershawes, according to the said copy shown to the commissioners. About 6 years ago, the said Bell said to deponent in the Churchyard of Ripon that Staveley would have had no land in Tateham [Tatham] but for the said Bell.

S. 8. f.

Interrogatories delivered to John Lambart and John Brokeholes, 24th March, 24 Henry VIII. [1533] by the councellors of William Staveley, whereupon to examine sundry persons for the proof of the title of the said William Staveley to the lands in variance betwixt him and John Ellershagh.

THOMAS SEYTON *versus* JOHN CURWYN, MAYOR OF LANCASTER
AND OTHERS, *re* SEIZURE OF A BOAT LADEN WITH
SALT AT LANCASTER.

*To the Righte Worshipfull Sir William ffitzwilliam, Knyghte,
Chaunceler of y^e Duche of Lancaster*

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23 Hen. VIII.
[1531-32.]

"IN full humble wise shewyth," your orator Thomas Seyton that where he about 2 years past was possessed of a "Bot lodone with Saulte" and intended to convey the same in the same boat "in to the Ielle of mañe to make heryng with all; and as the servants of the said Thomas were conveying the said boat, and were "lying at Rode" at a place 3 miles from Lancaster

there came Nicholas Forteowne, of Lancaster, and John Kendall, of the same town, with 3 other riotous persons whose names are unknown to plaintiff, and with force and arms and in most riotous manner entered into the said boat and compelled the mariners being in the same to bring it into the town of Lancaster, and there John Curwyn, who then was and now is Mayor of the said town, took the said vessel, put out plaintiff's servants, and then and there made sale of the salt which was worth £40. And this he did without any bargain made with the said Thomas, or any restitution or recompence given to him.

Prays for Letters of Privy Seal to be directed against the said John Curwyn, Nicholas, and John, commanding them to appear to answer the premises.

"T. Trin. A° xxij. [1531].

H^o upon a privie seale to John Curwen, Mayor of Lancaster, and Nicholas fforten, to apper xv Michis prox."

JOHN TRAVES AND NICHOLAS BLAKE *versus* THOMAS BECKE,
re DEBT FOR IRISH WOOL SOLD AND OTHER WARES,
AT MANCHESTER.

*To the Ryght Honorable Sir William ffitzwilliam, Knyght,
Treasurer of the Kyng's moost Honorable Howsehold,
And Chaunceler of the Duchie of Lancastur.*

JOHN Traves, Perres Bowker, and Geffron Bowker complain that where one Thomas Becke, son of Edward Becke, of Mancestur [Manchester], in the county of Lancaster, merchant, has received of your orators £20 for the which the said Thomas promised faithfully to deliver to plaintiffs "the number of so myche Yrysh woll as shuld cum to the seyd sum of xx^{li} aftur the price of ijs. ijd. Sterlyng the Stone," to be delivered in Mauncester of Manchester weight, "by Seynt Kateryn's day was Twelmonyth now past," [25th November, 1530] except the same wool were taken or lost "by the see," in which case the said Thomas Becke promised to restore to plaintiffs the said sum of £20, or to

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give them sufficient wares for the same. As the said Thomas was poor and of no great substance, so that plaintiffs dare not only stand to his said promise without further surety, he (Thomas) caused one Nicolas Blake to be his surety : But now so it is, that neither the said Thomas nor the said Nicholas has repaid the said £20 nor delivered wools or other wares to that amount, and plaintiffs have no "specialte" or other writing sealed to compel them so to do.

They, therefore, pray for Letters of Privy Seal to be directed against the said Thomas Becke and Nicholas Blake commanding them to restore the said £20.

"T. Pasche A° xxiiij° [1531].

H^upon a privy seale for Thomas Beke and others to appear xv Mich."

THURSTAN TILDISLEY, DEPUTY MASTER FORESTER, *versus*
HENRY KYGHLEY *re* KILLING DEER IN BROKS GILLE
IN FORESTS OF AMOUNDERNESS AND MIRESCOGHE
[MYERSCOUGH].

*To the Right Honorable Sir William Fitzwilliam, Knight,
Chancellor of the Duchie of Lancastre, and Treasurer
of the Kinge's most Honourable Householde.*

Vol. viii.
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23 Hen. VIII. [1531-32.] "IN most humble wyse compleynythe," your suppliant Thurstan Tildisley, Esquire, servant to the right hon^{ble} Edward, "Erley" of Derby, and deputy to the said Earl in the office of Master Forrester to the King of his forests of Amounderness and Mirescoghe [Myerscough], in the county of Lancaster, that one Henry Kyghley, of Inskip,¹ in the said county, Esq., accompanied by divers his servants and other persons to the number of 8 or 10, about the 20th day of December, 23 Henry VIII. [1531], came to a place within the "presynete and Circute" of the said Forest of Amounderness, called Brokes Gille, one mile from the forest of Mirescoghe [Myerscough], and there killed one "hynde and her calffe" of the deer of the said Lord the King, and carried them away.

¹ Inskip, in parish of St. Michael's-on-Wyre.

And the said Henry Kighley for malice and "dispite," and to the intent to "ffatigate and werye" the keepers of the said forest of Mirescoghe [Myerscough], and to cause them to watch in the night and to put them "to vexacon," said that he would cause a deer's head to be laid and cast near the keeper's lodge, and true enough the very night after he killed the said hind and calf at Brokes Gille, two deers' heads were laid near the said lodge.

Moreover, the said Henry Kighley has, at sundry times within the last 2 years, caused Richard Kighley, Richard Syngilton, Rauff Kighley, and John Charnoke to kill deer in the said forest of Mirescoghe, and also in the park of Mirescoghe [Myerscough].

Prays for Letters of Privy Seal against the said Henry Kighley.

"Termio Hill. A° rr H. viij. xxiiij° [1532].

H^o upon a prive seale to Henry Kyghley, squier, to apper tres^e Pasche prox."

THOMAS BUTLER *versus* RICHARD BRUCHE, *re* THREAT TO BURN
AND DESTROY HOUSES AND TENEMENTS IN WERYNGTON
[WARRINGTON] TOWN AND WYNWYKE [WINWICK].

*To the Ryght Honorabull Sir William FitzWilliam, Knyght,
Treserour of the Kinge's Honorabull Howsold, and Chauncellor of the Duchie of Lancastre.*

SHEWYTHE your orator Thomas Butler, of Bedesey [Bewsey], in the county of Lancaster, Esq., that about the 10th or 12th day of March, 22 Henry VIII. [1531], one Richard Bruche, gentleman, of his evil mind, owing "gret malice and dispite" to your orator did many times slanderously "mysfame and threton" plaintiff of his good name and fame to divers of his neighbours, how that he would burn all the houses and tenements in the town of Weryngton [Warrington], in the county of Lancaster, "and leve never a oone ther stondyng," of which town plaintiff is lord, and said that he would make his will to that intent, so that he

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would leave your orator in great danger of having all his houses burnt down if he (the said Richard) had "any maner of hurte or hynderauns" from plaintiff, with divers other "Rygorous and obprobrious words."

Not content with that, the said Richard Bruche about the Sunday then next following had divers of Master Piers a Loys servants and others to the number of 500, at Wyndyke [Winwick], in the county of Lancaster, and a horse standing ready at Warrington so that he could ride and let them know when he had found a good opportunity of burning the said houses.

Prays that the said Richard may be compelled to answer the premises.

B. S. a.

The answer of Rychard Bruche.

Defendant denies that he threatened to burn all the houses in Weryngton [Warrington], because he and the said Master Peyrs Leghe and many others of his "lovers and frendes" have houses there: neither did he say that he would make his will to that intent.

But the said Richard says that Robert Radclyff, John Doncaster, and others to the number of 12 score and more, were riotously assembled in 2 houses standing at the "churchestele" of Weryngton, there being no other houses near them, with the intention of murdering defendant. And he, having got to know of this, desired them to allow him to go home "without any busynez," whereupon the said Ratcliff sent him "hasty word" in so much that he (Richard) declared that if they had anything to do with him contrary to the King's laws those 2 houses should never do him more harm, for he would set fire upon them "incontynent apou their feightyng with hym yf the so wold doo."

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